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code of federal regulations

Telecommunication

COMPLETED

47

PARTS 0 TO 19
Revised as of October 1, 1981

022-003-94689-6

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1934

code of federal regulations

Telecommunication

47

PARTS 0 TO 19

Revised as of October 1, 1981

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I

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Cite this Code CFR

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Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

ISSUE DATES

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16 .... as of January 1
Title 17 through Title 27 .... as of April 1
Title 28 through Title 41 .... as of July 1
Title 42 through Title 50 .... as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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JOHN E. BYRNE,
Director,
Office of the Federal Register.

October 1, 1981.

THIS TITLE

Title 47—TELECOMMUNICATION is composed of four volumes. The parts in these volumes are arranged in the following order: Parts 0-19, Parts 20-69, Parts 70-79 and Part 80 to end. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 1981.

Part 73 contains a Table of Assignments for FM stations in the United States and its territories, Numerical Designation of Television channels, and a Table of Assignment containing the channels assigned to the listed communities in the United States, its territories and possessions.

For this volume Ina C. Masters was Chief Editor. The Code of Federal Regulations publication program is under the direction of Martha B. Girard, assisted by Robert E. Jordan.

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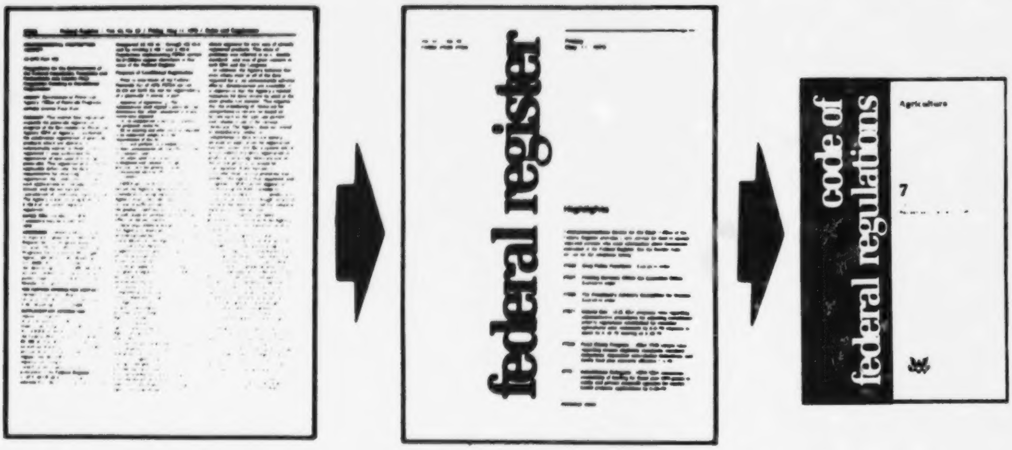

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Title 47—Telecommunication

(This book contains Parts 0 to 19)

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CHAPTER I—Federal Communications Commission 0

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CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

(Parts 0 to 19)

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SUPPLEMENTAL PUBLICATIONS:

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Implement; 5 U.S.C. 552.

Subpart A—Organization

AUTHORITY: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

SOURCE: 28 FR 12392, Nov. 22, 1963, unless otherwise noted.

NOMENCLATURE CHANGES: 37 FR 19372, Sept. 20, 1972.

GENERAL

§ 0.1 The Commission.

The Federal Communications Commission is composed of 7 members, who are appointed by the President subject to confirmation by the Senate. Normally, one Commissioner is appointed or reappointed each year, for a term of 7 years.

[32 FR 10569, July 19, 1967]

§ 0.3 The Chairman.

(a) One of the members of the Commission is designated by the President to serve as Chairman, or chief executive officer, of the Commission. As Chairman, he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views or supplemental reports.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission.

(b) The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation has been eliminated or corrected.

[32 FR 10569, July 19, 1967]

§ 0.4 Standing committees of Commissioners.

There are 2 standing committees of Commissioners, the Telecommunications Committee and the Subscription Television Committee. These committees are delegated authority to act or study and report on certain common carrier and subscription television matters.

[41 FR 33272, Aug. 9, 1976]

§ 0.5 General description of Commission organization and operations.

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

(1) Office of Executive Director.
(2) Office of Science and Technology.
(3) Office of General Counsel.
(4) Office of Plans and Policy.
(5) Broadcast Bureau.
(6) Common Carrier Bureau.
(7) Private Radio Bureau.
(8) Field Operations Bureau.[1]
(9) Cable Television Bureau.
(10) Office of Administrative Law Judges.
(11) Review Board.
(12) Office of Opinions and Review.
(13) Network inquiry special staff.
(14) Office of Public Affairs.

(b) *Staff responsibilities and functions.* The organization and functions of these major staff units are described in detail in §§ 0.11-0.176. The defense and emergency preparedness functions of the Commission are set forth separately, beginning at § 0.181. For a complete description of staff functions, reference should be made to these provisions. (See also the U.S. Government Organization Manual, which contains a chart showing the Commission's organization, the names of the members and principal staff officers of the Commission, and other information concerning the Commission.) So that the public may more readily inform itself concerning the operations of the Commission as a whole, concerning the staff officials who exercise responsibility over matters in which they are interested and concerning the relationship between the several staff units in such matters, however, a brief overall description of staff functions and responsibilities is set forth in this paragraph.

(1) *The Executive Director.* The Executive Director is directly responsible to the Commission, works under the supervision of the Chairman, and assists him in carrying out the Commission's organizational and administrative responsibilities. His principal role is to see that other staff units work together and promptly dispose of the matters for which they are responsible. He is directly responsible for internal administrative matters and supervises implementation of the Public Information Act of 1966.

(2) *The Chief Scientist and the General Counsel.* Though primary responsibility in most established areas of regulation is lodged in other staff units, the Chief Scientist and the General Counsel are responsible for advis-

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[1] Field Engineering Bureau renamed Field Operations Bureau, 38 FR 31298, Nov. 13, 1973.

ing the Commission concerning any engineering or legal matter involved in the making and implementation of policy or in the decision of cases. For example, while policies relating solely to broadcasting are primarily the responsibility of the Broadcast Bureau, and the preparation of Commission opinions in hearing cases is primarily the responsibility of the Office of Opinions and Review, the Chief Scientist and the General Counsel may be called upon for advice and assistance in either area. The Chief Scientist and the General Counsel, in addition, exercise primary responsibility in areas of regulation which transcend the responsibilities of a single bureau. Thus, for example, the General Counsel is primarily responsible for the Rules of Practice and Procedure, Part 1 of this chapter, and the Chief Scientist is primarily responsible for frequency allocation and for other areas of regulation under Parts 2, 5, and 15. The General Counsel also represents the Commission in litigation in the courts and coordinates the preparation of the Commission's legislative program. Both the Chief Scientist and the General Counsel exercise responsibility in matters pertaining to international communications.

(3) *The Chief of Plans and Policy.* The Chief of Plans and Policy is designated by the Commission as a staff officer directly responsible to the Commission under the supervision of the Chairman. His principal role is to advise, assist, and make recommendations to the Commission with respect to the development and implementation of communications policies in all areas of Commission authority and responsibility. He is also responsible for coordinating policy research and development activities within the Commission, and with other governmental agencies.

(4) *The operating bureaus.* The principal work load operations of the Commission are conducted by the five operating bureaus.

(i) Four of these bureaus—The Broadcast Bureau, Common Carrier Bureau, Private Radio Bureau, and Cable Television Bureau—exercise primary responsibility in the four principal areas of regulation into which the Commission has divided its responsibilities. The Broadcast Bureau, as its name indicates, is responsible for the regulation of broadcast stations (see Part 73 of this chapter) and related facilities (see Part 74). The Common Carrier Bureau is responsible for the regulation of communications common carriers whether carriage involves the use of wire or radio facilities (see Parts 21-67). The Private Radio Bureau is responsible for the regulation of all other radio stations with minor exceptions (e.g., experimental stations licensed under Part 5). These include amateur stations and numerous other categories of stations engaged in communication for safety, commercial or personal purposes (see Parts 81-99). The Cable Television Bureau is responsible for the regulation of cable television systems and cable television relay stations (see Parts 76 and 78 of this chapter). The licensing of related microwave radio facilities is coordinated with the Cable Television Bureau by the Common Carrier Bureau and the Private Radio Bureau. Within its area of responsibility, each of these bureaus is responsible for developing and implementing a regulatory program; for processing applications for radio licenses or other filings; for the consideration of complaints and the conduct of investigations; for participation in Commission hearing proceedings as appropriate; and for the performance of such other functions as may be related to its area of responsibility.

(ii) The fifth operating bureau: The Field Operations Bureau maintains field offices and monitoring stations throughout the United States. It is responsible for detecting violations of regulations pertaining to the use of radio and, in this connection, monitors radio transmissions, periodically inspects stations, and investigates complaints of radio frequency interference. It issues violation notices to the station in question, thereby affording it an opportunity to take corrective measures. If formal enforcement action is appropriate, the proceedings are conducted by the staff unit which exercises primary responsibility over the station in question, usually one of the other operating bureaus. The

Field Operations Bureau, in addition, exercises responsibility over commercial radio operator matters (see Part 13 of this Chapter), antenna structures (see Part 17), and the use of radio for purposes other than communication (see Part 18). It also conducts amateur operator examinations.

(5) *Staff units which exercise responsibility for the decision of hearing cases.* The Office of Administrative Law Judges, the Review Board, and the Office of Opinions and Review exercise responsibility for the decision of hearing cases. The Administrative Law Judges preside over hearing cases and issue initial decisions. In most cases, initial decisions are subject to review by the Review Board, which is a permanent body composed of three or more senior Commission employees. Initial decisions may also be reviewed by one or more Commissioners designated by the Commission. In such cases, the Board or designated Commissioner(s) issues a final decision, which is subject to possible review by the Commission. In other cases, the initial decision is reviewed directly by the Commission en banc. The Office of Opinions and Review assists and advises the Commission, and any Commissioner(s) designated to review an initial decision, in the decision of cases which come before them.

(6) *Network inquiry special staff.* The network inquiry special staff has primary responsibility for the conduct of a special inquiry relating to commercial television network practices and the ability of station licensees to serve the public interest, and related policy issues.

(7) *Office of Public Affairs.* The Office of Public Affairs has primary responsibility for the Commission's Press and News Media, Consumer Assistance and Information, Industry Equal Employment Opportunity (EEO) and Minority Enterprise programs. The major purpose of these programs is to inform the public of the Commission's regulatory requirements, to facilitate public participation in the Commission's decision-making processes, and to apprise the public of Commission policies promoting equal employment opportunity and minority participation in the telecommunications industry.

(c) *Delegations of authority to the staff.* Pursuant to section 5(d) of the Communications Act, the Commission has delegated authority to its staff to act on matters which are minor or routine or settled in nature and those in which immediate action may be necessary. See Subpart B of this Part. Actions taken under delegated authority are subject to review by the Commission, on its own motion or on an application for review filed by a person aggrieved by the action. Except for the possibility of review, actions taken under delegated authority have the same force and effect as actions taken by the Commission. The delegation of authority to a staff officer, however, does not mean that he will exercise that authority in all matters subject to the delegation. In non-hearing matters, the staff is at liberty to refer any matter at any stage to the Commission for action, upon concluding that it involves matters warranting the Commission's consideration, and the Commission may instruct the staff to do so. In like manner, in hearing cases, pursuant to § 0.361(b) and (c), the Commission may direct that matters pending before the Review Board be certified to the Commission for decision, and the Board may itself certify such matters to the Commission, with a request that they be acted upon by the Commission.

(d) *Commission action.* Matters requiring Commission action, or warranting its consideration, are dealt with by the Commission at regular weekly meetings, or at special meetings called to consider a particular matter. Meetings are normally held at the principal offices of the Commission in the District of Columbia, but may be held elsewhere in the United States. In appropriate circumstances, Commission action may be taken between meetings "by circulation", which involves the submission of a document to each of the Commissioners for his approval.

[32 FR 10569, July 19, 1967, as amended at 36 FR 19438, Oct. 6, 1971; 37 FR 18034, Sept. 16, 1972; 37 FR 19372, Sept. 20, 1972; 37 FR 20553, Sept. 30, 1972; 38 FR 17005, June 28, 1973; 40 FR 17253, Apr. 18, 1975; 43

FR 36444, Aug. 17, 1978; 44 FR 4486, Jan. 22, 1979; 44 FR 12425, Mar. 7, 1979; 44 FR 39179, July 5, 1979; 44 FR 70471, Dec. 7, 1979]

§ 0.6 Executive Advisory Council.

The Executive Advisory Council provides a forum for the interchange of information and ideas among the Commission's principal staff components. The Council coordinates Commission programs and activities; analyzes problems and issues of concern to the members of the Council; and develops recommendations for action by the Chairman and the Commission. The membership is composed of the head of each principal staff unit in the Commission.

[37 FR 6737, Apr. 4, 1972]

OFFICE OF EXECUTIVE DIRECTOR

§ 0.11 Functions of the Office.

The Executive Director is appointed by the Commission and is directly responsible to the Commission under the supervision of the Chairman. The Executive Director has the following duties and responsibilities:

(a) To provide sustained administrative leadership and coordination of staff activities in carrying out the policies of the Commission, through overall supervision and coordination, but not control, of such staff activities. Coordinate the activities of policy making staff officers to assure that adequate information and recommendations on important policy areas are expeditiously considered by the staff and brought promptly to the attention of the Commission.

(b) To review with the Commission and with heads of the Bureaus and Offices, the programs and procedures of the Commission. Make recommendations thereon as may be necessary to administer the Communications Act most effectively in the public interest. Plan and coordinate program evaluation activities throughout the Commission. Monitor or conduct such evaluations and assure that evaluation results are utilized in Commission decision-making and priority-setting activities.

(c) To assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency and, in connection therewith, plan, direct, coordinate and manage the administrative affairs of the Commission with respect to the functions of personnel management, budget and financial management, information management and processing, management analysis and improvement, international telecommunications settlements, procurement, office services, supply and property management, records management, security and internal auditing, and emergency communications.

(d) To give general direction to the Secretary of the Commission.

(e) To serve as the principal operating official on *ex parte* matters involving restricted proceedings. Review and dispose of all *ex parte* communications received from the public and others. In consultation with the General Counsel, approve waivers of the applicability of the conflict of interest statutes pursuant to 18 U.S.C. 205 and 208, or initiate necessary actions where other resolutions of conflicts of interest are called for.

(f) To coordinate, under the general direction of the Defense Commissioner, the defense activities of the Commission, including recommendation of national emergency plans and preparedness programs covering Commission licensees and planning for continuity of essential Commission functions during national emergency conditions. Act as alternate Commission representative to emergency planning groups of other agencies.

(g) To interpret rules and regulations pertaining to fees with the concurrence of the General Counsel.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[46 FR 23746, Apr. 28, 1981]

§ 0.12 Units in the Office.

(a) Immediate Office of the Executive Director.

(b) Computer Applications Division.

(c) Information Processing Division.

(d) Planning and Analysis Division.

(e) Financial Management Division.

(f) Operations Support Division.

(g) Personnel Management Division.

(h) Emergency Communications Division.

(i) Internal Review and Security Division.

(j) The Secretary.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[46 FR 23746, Apr. 28, 1981]

OFFICE OF PUBLIC AFFAIRS

§ 0.15 Functions of the Office

The Office of Public Affairs is directly responsible to the Commission. The Office has the following duties and responsibilities:

(a) Develop, recommend, coordinate and administer Commission objectives, plans and programs to enhance public understanding of and compliance with the Commission's regulatory requirements. Evaluate public information dissemination practices and develop methods of improving these practices.

(b) Act as the principal channel for communicating information to the news media, regulated industries, and the general public on Commission policies, programs, and activities. Make official announcements of Commission decisions and actions. Maintain liaison with the information media to facilitate the dissemination of news and information on FCC activities. Advise the Commission on public reaction to and comment on FCC policies and programs.

(c) Develop, recommend, coordinate and administer objectives, plans and programs to encourage participation by the public in the Commission's decision-making processes. Promote increased awareness within the Commission of the impact of Commission policies on the ability of consumers of communications services to participate in decisions that affect them. Evaluate the effectiveness of mechanisms developed and used to facilitate public input and develop new initiatives as appropriate.

(d) Serve as the Commission's primary point of contact with individual consumers of communications services and with organizations of such consumers. Maintain liaison with consumers to facilitate an interchange of information and cooperative efforts to improve the Commission's information-gathering, policy-making, and information dissemination functions.

(e) Act as the principal point of public contact in disseminating information about Commission programs to promote equal employment opportunity and minority enterprise in Commission-regulated industries. Maintain liaison with industry representatives, women's and minority groups and other interested parties regarding public information about and public evaluation of these programs. Organize FCC seminars and serve as FCC spokesperson to outside organizations on these subjects.

(f) Develop and implement programs to assist in providing information to minority entrepreneurs engaged in or seeking to participate in telecommunications industries regulated by the Commission.

(g) Review Commission contract procurement policy to devise ways of increasing information about proposed Commission contracts received by minority contractors.

(h) Advise the Commission on its information dissemination and public participation policies, as they affect liaison with the information media, the public and the Commission's regulatees. Provide policy and program guidance to the bureaus and offices on these subjects based on feedback received through the information dissemination functions of the Office.

(i) Maintain liaison with the Field Operations Bureau regarding the press and news media, and consumer assistance and information activities of the Commission's field offices.

(Secs. 4, 5, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 155, 303)

[44 FR 12425, Mar. 7, 1979, as amended at 44 FR 70471, Dec. 7, 1979]

§ 0.16 Units in the Office.

The Office of Public Affairs is comprised of the following units:

(a) Immediate Office of the Director

(b) Consumer Assistance and Information Division

(c) Minority and Small Business Division

(d) Press and News Media Division.

[46 FR 43166, Aug. 27, 1981]

OFFICE OF PLANS AND POLICY

§ 0.21 Functions of the Office.

The Office of Plans and Policy, as a staff office to the Commission, assists, advises and makes recommendations to the Commission with respect to the development and implementation of communications policies in all areas of Commission authority and responsibility. A principal function of the Office is to conduct independent policy analyses to assess the long-term effects of alternative Commission policies on domestic and international communication industries and services, with due consideration of the responsibilities and programs of other staff units, and to recommend appropriate Commission action. The Office is also responsible for coordinating the policy research and development activities of other staff units, with special concern for matters which transcend their individual areas of responsibility. The Office is composed of legal, engineering, economic, and sociological policy analysts and other personnel, and is headed by a chief having the following duties and responsibilities:

(a) To identify and define significant communications policy issues in all areas of Commission interest and responsibility;

(b) To conduct technical, economic, and sociological impact studies of existing and proposed communications policies and operations, including cooperative studies with other staff units and consultant and contract efforts as appropriate;

(c) To develop and evaluate alternative policy options and approaches for consideration by the Commission;

(d) To review and comment on all significant actions proposed to be taken by the Commission in terms of their overall policy implications;

(e) To recommend and evaluate governmental (state and federal), academic, and industry sponsored research affecting Commission policy issues;

(f) To prepare briefings, position papers, proposed Commission actions, or other agenda items as appropriate;

(g) To manage the Commission's policy research program, recommend budget levels and priorities for this program, and serve as central account manager for all contractual policy research studies funded by the Commission;

(h) To coordinate the formation and presentation of Commission positions in domestic communications policy; represent the Commission at appropriate interagency discussions and conferences.

(i) To participate in the development of international communications policy with the Office of Science and Technology, as appropriate; provide representation at international meetings when appropriate.

(j) Develop and recommend procedures and plans for the effective handling of policy issues within the Commission.

[38 FR 17005, June 28, 1973, as amended at 45 FR 25400, Apr. 15, 1980]

OFFICE OF SCIENCE AND TECHNOLOGY

§ 0.31 Functions of the Office.

The Office of Science and Technology has the following duties and responsibilities:

(a) To plan and direct broad programs for development of information relative to communications techniques and equipment, radiowave propagation, and new uses for communications, and advise the Commission and staff offices in such matters.

(b) Represent the Commission at various national and international conferences and meetings devoted to the progress of communications and the development of technical and other information and standards, and serve as Commission coordinator for the various national conferences when appropriate.

(c) To conduct scientific and technical studies in advanced phases of terrestrial and space communications, and special projects to obtain theoretical and experimental data on new or improved techniques.

(d) To advise the Commission concerning engineering matters, including the privacy and security of communications, involved in making or implementing policy or in resolving specific cases.

(e) To develop and implement procedures to acquire, store, and retrieve scientific and technical information useful in the engineering work of the Commission.

(f) To advise and represent the Commission on frequency allocation and spectrum usage matters, including those covered by international agreements.

(g) To render, in cooperation with the General Counsel and the Office of Plans and Policy, advice to the Commission, participate in and coordinate staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and render service and advice with respect to rule making matters and proceedings affecting more than one Bureau.

(h) To collaborate with and advise other Bureaus and Offices in the formulation of technical requirements of the Rules.

(i) To administer Parts 2, 5, 15, and 18 of this chapter, including licensing, recordkeeping, and rule making.

(j) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards, and general policies for Parts 15 and 18 of this chapter, and for type approval and acceptance, and certification of radio equipment for compliance with the Rules.

(k) To maintain liaison with other agencies of government, technical experts representing foreign governments, and members of the public and industry concerned with communications and frequency allocation and usage.

(l) To calibrate and standardize technical equipment and installations used by the Commission.

(m) To exercise authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[45 FR 28718, Apr. 30, 1980, as amended at 46 FR 45342, Sept. 11, 1981]

EFFECTIVE DATE NOTE: At 46 FR 45342, Sept. 11, 1981, § 0.31 (b) was revised, effective Oct. 19, 1981. For the convenience of the user, the superseded text is set forth below:

§ 0.31 Functions of the Office

* * * * *

(b) To represent the Commission and serve as its coordinator for various national and international conferences and meetings devoted to the progress of communications and the development of information and standards relative thereto.

* * * * *

§ 0.32 Units in the Office.

The Office of Science and Technology is comprised of the following units:

(a) Immediate Office of the Chief Scientist.

(b) Authorization and Standards Division.

(c) Research and Analysis Division.

(d) Spectrum Management Division.

[45 FR 28718, Apr. 30, 1980]

OFFICE OF GENERAL COUNSEL

§ 0.41 Functions of the Office.

The Office of the General Counsel has the following duties and responsibilities:

(a) To advise and represent the Commission in matters of litigation.

(b) To advise and make recommendations to the Commission with respect to proposed legislation and to coordinate the preparation of Commission views thereon for submission to Congress.

(c) To participate in international conferences and in the implementation of international agreements.

(d) To interpret the statutes, international agreements, and international-al regulations affecting the Commission.

(e) To prepare and make recommendations and interpretations concerning procedural rules of general applicability and to review all rules for consistency with other rules, uniformity, and legal sufficiency.

(f) To conduct research in legal matters as directed by the Commission.

(g) In cooperation with the Chief Scientist, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(h) To perform all legal functions with respect to experimental operations under Part 5 of this chapter; the operation of restricted radiation devices under Parts 15 and 18 of this chapter; and type approval and type acceptance of radio equipment.

(i) To exercise such authority as may be assigned or referred to it by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

(j) To cooperate with the Common Carrier Bureau and the Office of Science and Technology on all matters pertaining to space satellite communications.

(k) To study the licensing practices of patentees and assignees in communications services regulated by the Commission, particularly in situations referred to it by the Office of Science and Technology; and, in collaboration with the Office of Science and Technology, to develop appropriate recommendations for Commission action.

(l) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform such functions involving implementation of such statutes and executive orders as may be assigned to it by the Commission or the Defense Commissioner.

(m) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(n) [Reserved]

(o) To advise the Commission in the preparation and revision of rules and the implementation and administration of the Freedom of Information, Privacy, and Sunshine Acts.

[28 FR 12392, Nov. 22, 1963; 37 FR 19372, Sept. 20, 1972, as amended at 40 FR 17253, Apr. 18, 1975; 43 FR 29006, July 5, 1978; 44 FR 12425, Mar. 7, 1979; 44 FR 21793, Apr. 12, 1979; 44 FR 39179, July 5, 1979]

§ 0.42 Units in the Office.

The Office of General Counsel is structured into the following units:

(a) Immediate Office of General Counsel.

(b) Litigation Division.

(c) Administrative Law Division.

[45 FR 16191, Mar. 13, 1980]

BROADCAST BUREAU

§ 0.71 Functions of the Bureau.

The Broadcast Bureau develops, recommends and administers policies and programs for the regulation of all radio and television broadcast industry services. It advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of radio and television services. The Broadcast Bureau has the following duties and responsibilities:

(a) Process applications for authorizations in radio and television services.

(b) Administer U.S. responsibilities under international agreements and treaty obligations pertaining to broadcasting.

(c) Process applications for renewal of AM, FM and television licenses and for assignment or transfer of ownership interests in such licenses.

(d) Participate in hearing before the Administrative Law Judges, the Review Board and the Commission.

(e) Plan and develop proposed rule makings and conduct comprehensive studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(f) Conduct studies and compile data relating to radio and television network operations necessary for the

Commission to develop and maintain an adequate regulatory program.

(g) Investigate complaints and answer general inquiries from the public and handle political broadcasting and fairness doctrine complaints.

[45 FR 13078, Feb. 28, 1980]

§ 0.72 Units of the Bureau

The Broadcast Bureau is comprised of the following units:

(a) Office of the Bureau Chief.
(b) Broadcast Facilities Division.
(c) Renewal and Transfer Division.
(d) Policy and Rules Division.
(e) Hearing Division.
(f) License Division.
(g) Complaints and Compliance Division.

[45 FR 13078, Feb. 28, 1980]

CABLE TELEVISION BUREAU

§ 0.83 Functions of the Bureau.

The Cable Television Bureau develops, recommends, and administers policies and programs with respect to the regulation of cable television systems and related private microwave radio facilities. The bureau implements the Commission's cable television regulatory program, and performs the work and activities involved in the licensing and regulation of cable television relay stations, in coordination with the Broadcast Bureau.

[38 FR 33598, Dec. 6, 1973. Redesignated at 41 FR 53327, Dec. 6, 1976]

§ 0.84 Units in the Bureau.

The Cable Television Bureau is comprised of the following units:

(a) Office of the Bureau Chief.
(b) Policy Review and Development Division.
(c) Research Division.
(d) Special Relief and Microwave Division.
(e) Records and Systems Management Division.
(f) Compliance Division.

[45 FR 29835, May 6, 1980]

COMMON CARRIER BUREAU

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends and administers policies and programs for the regulation of services, facilities, rates and practices of entities (excluding public coast stations in the maritime mobile service) which furnish interstate or foreign communications service for hire—whether by wire, radio, cable or satellite facilities—and of ancillary operations related to the provisions or use of such services. The Bureau also regulates the rates, terms, and conditions for cable television and pole attachments, where such attachments are not regulated by a state and not provided by railroads or governmentally—or cooperatively owned utilities. The Bureau also performs the following specific functions:

(a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and licensing of communications common carriers and ancillary operations. This includes: policy development and coordination; adjudicatory and rule making proceedings, including rate and service investigations; determinations regarding lawfulness of carrier tariffs; action on applications for service, facility and radio authorizations; review of carrier performance; economic research and analysis; administration of Commission accounting and reporting requirements; compliance and enforcement activities.

(b) Participates in all phases of international conferences concerning common carrier and related matters and in the implementation of international agreements.

(c) Collaborates with representatives of state regulatory commissions and with the National Association of Regulatory Utility Commissioners in cooperative studies of common carrier and related matters.

(d) Advises the Commission on policy and technical matters regarding the use of satellites and related facilities for both common carrier and ancillary communications services.

(e) Advises and assists the public, other government agencies and industry groups on common carrier regulation and related matters.

(f) Exercises such authority as may be assigned or referred to it by the Commission pursuant to Section 5(d) of the Communications Act of 1934, as amended.

(g) Obtains from carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objectives for which it was created.

(h) Carries out the functions of the Commission or the Telecommunications Committee under the Communications Act of 1934, as amended, except as reserved to Commission under § 0.291.

(i) Acts jointly with the Office of Science and Technology on applications for registration of equipment to be directly connected to the telephone network, and acts on complaints brought by any party concerning the registration or operation of such equipment.

(j) Acts upon complaints involving cable television pole attachments, except for final action on complaints raising novel or unusual issues.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[39 FR 28435, Aug. 7, 1974, as amended at 40 FR 7451, Feb. 20, 1975; 41 FR 7751, Feb. 20, 1976; 42 FR 42341, Aug. 23, 1977; 43 FR 36094, Aug. 15, 1978; 44 FR 39179, July 5, 1979; 45 FR 71569, Oct. 29, 1980]

§ 0.92 Units of the Bureau.

(a) Office of the Bureau Chief.

(b) Deputy Bureau Chief for Operations.

(c) Deputy Bureau Chief for Policy.

(d) Assistant Bureau Chief/Management.

(e) Assistant Bureau Chief/International.

(f) International Facilities Planning Division.

(g) International Facilities Authorization and Licensing Division.

(h) Enforcement Division.

(i) Domestic Facilities Division.

(j) Hearing Division.

(k) Mobile Services Division.

(l) Tariff Division.

(m) Accounting and Audits Division.

(n) Consumer Affairs Division.

(o) Economics Division.

(p) Policy and Program Planning Division.

[45 FR 16192, Mar. 13, 1980]

FIELD OPERATIONS BUREAU

§ 0.111 Functions of the Bureau.

The Field Operations Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations and wire facilities including enforcement activities (inspection, investigation, monitoring), radio operator examination and licensing designation of radio operator examination points, interference suppression, and communications user liaison. These programs include, among others: (a) On-the-air measurement of technical operating parameters of all classes of radio stations; (b) Monitoring of frequency occupancy and levels of violative activity; (c) Engineering projects concerning enforcement procedures and user activities; (d) Assistance to other federal agencies and local law enforcement organizations concerning illegal use of radio; (e) Full range of matters concerning licensing and activities of commercial radio operators as established in Part 13 of this Chapter, including the changing, deleting or modifying from time to time, as need may appear, the location of radio operator examination points, and issuing an appropriate public notice advising of location changes and time of examination; (f) Nationwide program of lighting and marking of antenna structures as established in Part 17 of this Chapter; (g) Local assistance to the public, government agencies and user organizations in their relationship with the Commission; (h) Participation in interagency and international meetings and conferences with respect to the Bureau's areas of responsibilities.

[40 FR 17253, Apr. 18, 1975]

§ 0.112 Units of the Bureau.

The Bureau consists of the following units:

(a) Office of the Bureau Chief.
(b) Enforcement Division.
(c) Regional Services Division.
(d) Engineering Division.
(e) Violations Division.

[39 FR 13543, Apr. 15, 1974]

§ 0.113 Office of the Bureau Chief.

The Office of the Bureau Chief plans, directs, and coordinates the activities of the Bureau.

(a) *Operational functions.* (1) Responsible for the enforcement of the Commission's rules and regulations. Such enforcement activities include monitoring, inspections, and investigations of all non-government communications matters.

(2) Advises and makes recommendations to the Commission and acts for the Commission in matters pertaining to the enforcement of the Commission's rules and regulations, licensing of commercial radio operators (Part 13 of this chapter), marking and lighting of antenna towers (Part 17 of this chapter), and field liaison with the user public and the local and federal government agencies (Part 0).

(3) Participates in international conferences dealing with monitoring and measurements and serves as the point of contact for the United States Government in matters of international monitoring, fixed and mobile direction finding, and interference elimination.

(4) Responsible for reducing or eliminating interference to authorized communications.

(5) Coordinates with, and lends assistance to, appropriate local and Federal law enforcement agencies concerning the illegal or improper usage of radio communications in the field.

(6) Develops and implements programs for the marking, lighting, and placement of antenna towers constructed and operated by authorized communication users.

(7) Provides liaison assistance to the public, users and other Government agencies in the field in dealing with the Commission.

(b) *Administrative functions.* (1) Develops and implements Bureau-wide management programs including resource management system, work measurement procedures, resource allocation model, management information/reporting and program review/evaluation systems; prepares consolidated budget estimates and justifications for the Bureau; develops and controls execution of operating budgets and financial plans.

(2) Develops and implements Bureau plans for personnel management, including recruiting, training, career development, employee relations, occupational health and safety and EEO activities; maintains Bureau personnel records.

(3) Coordinates external management surveys, studies and audits of Bureau operations; conducts or coordinates internal studies of systems and procedures; performs organization planning.

(4) Coordinates paperwork and committee management programs for the Bureau, including forms, reports and directives.

(5) Plans and coordinates Bureau and headquarters requirements for administrative support services such as space and printing.

(6) Provides for headquarters mail distribution.

(c) *Program development and evaluation functions.* (1) Develops overall policies, programs, objectives, and priorities (budget year and beyond) for all Bureau programs and activities, in consultation with the Divisions of the Bureau; insures that Bureau's programs are consistent with Commission policies; reviews program performance, accomplishments and effectiveness; recommends changes in policies, programs, objectives and priorities.

(2) Analyzes short and long term technical developments and the impact that predicted growth of existing and new telecommunications services will have on the Bureau's mission and workload in consultation with other Commission bureaus and offices; develops plans to integrate new and revised requirements for field enforcement and public service activities into current and future programs.

(3) Develops and evaluates (through such techniques as cost benefit-analysis) alternative field enforcement techniques and organizations in consultation with the Divisions of the Bureau; considers potential trade-offs between various technologies applicable to ac-

complishing the Bureau's mission; recommends changes in present enforcement techniques and organizations which will maximize mission accomplishment under alternative resource allocations.

(4) Recommends legislation and rule changes pertaining to the field enforcement and public service programs; reviews legislation and rulemaking proposals initiated by other offices which will have a potential impact on Bureau field enforcement and public service operations; determines impact in terms of enforcement techniques and organization, workload and resource requirements.

(5) Provides planning projections of future requirements for technical equipment and real property requirements to support field enforcement and public service activities.

(6) Maintains liaison with other agencies and communications users on matters concerning program development and evaluation.

(7) Plans and coordinates development of automated and computer processing systems throughout the Bureau.

(8) Develops techniques for measuring program performance.

(9) Directs the Divisions of the Bureau in formulating budget estimates and justifications for approved programs.

[39 FR 13543, Apr. 15, 1974]

§ 0.114 Enforcement Division.

The Enforcement Division is responsible for administering the Bureau's field enforcement programs, including monitoring and direction finding, station inspections and investigations, and for directing, coordinating and controlling the activities of the Bureau's Field Enforcement Installations located throughout the United States, including Alaska, Hawaii and Puerto Rico. In carrying out this responsibility, the Division:

(a) Makes recommendations concerning field enforcement policies, programs, objectives, priorities and resource allocations; recommends legislation and rules revisions which will facilitate field enforcement activities; formulates budget requirements for approved programs and develops operational plans to execute programs within allocated resources.

(b) Directs the enforcement monitoring program; coordinates enforcement monitoring activities among the various fixed and mobile monitoring facilities; operates the Bureau's fixed monitoring and direction finding network; coordinates international monitoring and direction finding activities; operates the Bureau's Communication's Center to provide rapid contact with all enforcement facilities; coordinates the operation of all types of communications facilities used by Field Enforcement Installations.

(c) Directs the station inspection program; develops and implements procedures and field directives for technical inspections and measurements for all categories of radio stations and wire facilities; coordinates the inspection activities of the field enforcement staff with the technical and compliance staffs of the bureaus responsible for the services covered by the inspection program.

(d) Directs the Bureau's investigative program; develops and implements procedures and field directives for conducting investigations (i.e., specialized enforcement teams, mobile direction finding and measurement); provides expert technical witnesses in investigative cases resulting in administrative hearings and/or trials in Federal Courts; coordinates with legal and technical staffs of other bureaus and offices concerning on-going case assignments; prepares procedures for resolving complaints regarding interference to electronic home entertainment equipment without on-site inquiry.

(e) Directs issuance of discrepancy notifications; directs issuance of Notices of Apparent Liability in the Private Radio Services; conducts enforcement case work and prepares referrals to the Violations Division; recommends actions to expedite the imposition of desired sanctions; keeps the Violations Division advised of progress on open cases assigned to the field.

(f) Maintains liaison with other Bureaus and Offices, local and Federal agencies and communications users on matters concerning radio law enforcement; furnishes the Bureau Chief and other Commission offices with advice on radio law enforcement matters.

(g) Directs the Bureau's spectrum occupancy monitoring program; coordinate occupancy monitoring activities with other Commission bureaus and offices; operate the Bureau's spectrum occupancy van(s); and coordinate occupancy monitoring requirements with the appropriate field technical and administrative staff.

[39 FR 13544, Apr. 15, 1974, as amended at 44 FR 39179, July 5, 1979; 45 FR 11133, Feb. 20, 1980]

§ 0.115 Regional Services Division.

The Regional Services Division is responsible for administering the Bureau's regional services program, including public information activities, licensing of radio operators and antenna survey matters, and for directing, coordinating and controlling the activities of the Bureau's Public Service Offices.

(a) Makes recommendations concerning public service, radio operator and airspace policies, programs, objectives, priorities and resource allocations; recommends legislation and rules revisions which will facilitate these activities; formulates budget requirements for approved programs and develops operational plans to executive programs within allocated resources.

(b) Consistent with Commission policy, directs the Bureau's regional public service program; develops and implements procedures to satisfy the information needs of the public; determines what types of applications and other materials are needed by the public; coordinates with other Commission offices to make certain these application forms and publications are available for distribution to the public, develops procedures for channeling inquiries and complaints received by public service offices to appropriate offices which cannot be satisfied at the regional level.

(c) Directs operator examining activities of the Bureau and administers Part 13 of the FCC Rules concerning the licensing of commercial radio operators; makes recommendations concerning rulemaking, rule interpretation and implementation of Part 13; prepares radio operator applications, examinations, licenses and information bulletins and maintains security over these materials; develops procedures for administering radio operator examinations, collecting fees, and issuing licenses, maintains necessary records of licensed operators; responds to public inquiries concerning radio operator examinations.

(d) Administers Part 17 of the FCC Rules concerning the construction, marking and lighting of antenna structures; reviews applications in the broadcast, common carrier, experimental, safety and special, cable television and other services to insure compliance with marking and lighting requirements; represents the Commission and Bureau on international organizations and at intergovernmental or public conferences on matters concerning antenna marking and lighting standards and air hazard problems, develops standards and field directives for on-site measurement and analysis of antenna structures; maintains central FCC files on existing and proposed antenna structures and airport facilities; responds to inquiries concerning antenna structures, marking and lighting.

(e) Examines and approves/disapproves industrial heating equipment certifications submitted by users pursuant to Part 18 of the FCC Rules.

(f) Upon request of the Violations Division, conducts personal interviews in the field of persons who have received citations issued under § 1.80(d) of this chapter.

(g) Maintains liaison with the Federal Aviation Administration and other government agencies on airspace matters (including antenna construction and hazards), radio operator examinations and public service activities; furnishes the Bureau Chief and other Commission offices with advice on these matters.

[39 FR 13544, Apr. 15, 1974, as amended at 43 FR 52224, Nov. 9, 1978]

§ 0.116 Engineering Division.

The Engineering Division is responsible for providing technical engineering and other material support to the Enforcement and Regional Services

Division. In carrying out this responsibility, the Division:

(a) Based on planning guidance developed by the Office of Bureau Chief and approved budget allocations, develops specific requirements and detailed plans for the acquisition of technical equipment, vehicles and real property required by the Enforcement and Regional Services Divisions; formulates budget estimates for technical equipment, vehicles and real property.

(b) Develops and directs the Bureau's program for acquiring, managing and disposing of land, structures, equipment, material, and vehicles.

(c) Develops measurement standards, procedures and techniques for use by Bureau technical staff in performing field measurements and observations.

(d) Assists in analyzing alternative enforcement techniques and organizations with respect to technical equipment, vehicles and real property requirements.

(e) Directs the Bureau's equipment construction and installation program.

(f) Maintains liaison with other Commission offices, government agencies, international organizations, industry technical committees and the public regarding assigned functions.

(g) Directs the Field nontechnical support functions such as leased space and property utilization, communications, utilities, transportation, shipping, vehicle fleet management, field financial plan, and coordinates field procurement activities.

[39 FR 13544, Apr. 15, 1974]

§ 0.117 Violations Division.

The Violations Division is responsible for processing administrative sanctions initiated by the Enforcement Division, referring enforcement cases to the cognizant bureaus, and administering the entire sanctions program for radio operators. In carrying out this responsibility the Division:

(a) Reviews completed enforcement cases received from the Enforcement Division and prepares referrals to other bureaus and offices for the imposition of sanctions or other appropriate action; recommends to the Enforcement Division additional actions required to impose desired sanctions; coordinates policy and procedures for referral of enforcement work products with other offices of the Commission.

(b) Develops in accord with Private Radio Bureau policy and guidelines, procedures for use by Field Enforcement Installations in issuing Notices of Apparent Liability (NAL) in the Private Radio Services; forwards documentation of NAL's to the Private Radio Bureau for appropriate follow-up action.

(c) Reviews completed cases regarding radio operators; decides on appropriate sanction action; issues Notices of Apparent Liability where appropriate; initiates appropriate follow-up action.

(d) Reviews enforcement actions of Field Enforcement Installations for quality control and conformance to policy, rules interpretations and procedural guidelines; recommends corrective action to the Enforcement Division.

(e) Maintains central files of field enforcement actions (violation notices, cases, interference reports, etc.); maintains current status records on all ongoing enforcement matters and keeps cognizant bureaus and divisions advised on progress; prepares statistical analyses of enforcement actions as required by the Bureau or other Commission offices.

(f) Requests the Regional Services Division to conduct personal interviews in the field for recipients of NAL's.

(g) Recommends legislation, rules revision, and procedural changes to enhance the field enforcement program; develops improved methods for processing administrative sanctions.

[39 FR 13545, Apr. 15, 1974, as amended at 44 FR 39179, July 5, 1979]

§ 0.121 Location of Field Installations.

(a) Regional Offices are located at the following addresses:

Address of the Regional Director	States
California, San Francisco 94105, Room 537, 211 Main Street.	Arizona California Nevada Utah

Address of the Regional Director	States
Georgia, Atlanta 30301, P.O. Box 1775, Room 2111, 101 Marietta Tower.	Alabama Florida Georgia North Carolina Puerto Rico South Carolina Tennessee Virginia Virgin Islands
Illinois, Chicago 60068 (Park Ridge), Room 306 Park Ridge Office Center, 1550 N.W. Highway.	Illinois Indiana Kentucky Michigan Minnesota Ohio Wisconsin
Massachusetts, Boston 02109, 1500 Customhouse, 165 State Street.	Connecticut Delaware District of Columbia Maine Maryland Massachusetts New Hampshire New Jersey New York Pennsylvania Rhode Island Vermont West Virginia
Missouri, Kansas City 64133, Room 320 Brywood Office Tower, 8800 E. 63rd Street.	Arkansas Colorado Iowa Kansas Louisiana Mississippi Missouri Nebraska New Mexico North Dakota Oklahoma South Dakota Texas Wyoming
Washington, Seattle 98174, 3090 Federal Building, 915 Second Street.	Alaska American Samoa Guam Hawaii Idaho Mariana Islands Midway Island Montana Oregon Pacific trust territories and Commonwealth Swains Island Wake Island Washington

(b) Field offices and suboffices are located at the following addresses:

Field Installations	States	Administrative Areas Counties
Alaska, Anchorage 99510, Federal Bldg. & U.S. Courthouse, P.O. Box 2955, 4th & F Sts.	Alaska	All.
California, Long Beach 90807, Room 501, 3711 Long Beach Blvd, Special Enforcement Facility, Long Beach, Room 518.	Arizona	All counties.
	California	Imperial, Inyo, Kern Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura.
	Nevada	Clark; other counties covered by San Francisco, CA office.
California, Les Mesa 92401 [1] (San Diego), 7840 El Cajon Blvd., Room 405, California, San Francisco 94111 323-A Customhouse, 555 Battery St..	California	All except those listed for Long Beach, CA.
	Nevada	All except Clark, which is covered by Long Beach, CA office.
	Utah	All counties.
Colorado, Denver 80202	Colorado	All counties.
	New Mexico	All counties.
	North Dakota	All counties.
	South Dakota	All counties.
	Wyoming	All counties.
District of Columbia, Washington, 20554, Room 411, 1919 M St., N.W.	District of Columbia	All.
	Maryland	Charles, Montgomery, and Prince Georges.
	Virginia	Arlington, Fairfax, Loudoun, and Prince William; all others covered by Norfolk, VA.
Florida, Miami 33130, Room 919, 51 Southwest First Ave.	Alabama	Baldwin and Mobile; all others are covered by Atlanta, GA office.
Florida, Tampa 33602, [1] ADP Building, Room 601, 1211 N. Westshore Blvd.	Florida	All counties.
Georgia, Atlanta 30309, Room 440, Massell Bldg.,1365 Peachtree St., N.E.	Alabama	All except Baldwin and Mobile which are covered by Miamai, FL office.

Footnote at end of table.

Field Installations	States	Administrative Areas Counties
	Georgia	All counties.
	South Carolina	All counties.
	Tennessee	All counties.
Georgia, Powder Springs 30073, Special Enforcement Facility P.O. Box 65.		
Georgia, Savannah 31402,[1] Room 238, Federal Bldg., & Courthouse, P.O. Box 8004 (125 Bull Street).		
Hawaii, Honolulu 96850 Prince Kuhio Federal Bldg., Room 7304, P.O. Box 50023, 300 Ala Moana Blvd.	American Samoa	All.
	Guam	All.
	Hawaii	All.
	Mariana Islands	All.
	Midway Island	All.
	Pacific Trust Territories & Commonwealths.	All.
	Swains Island	All.
	Wake Island	
Illinois, Chicago 60604, Federal Bldg., Room 3935, 230 South Dearborn St.	Illinois	All counties.
	Indiana	All counties.
	Kentucky	All counties except those listed for Detroit, MI.
	Wisconsin	Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, LaFayette, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago; all others are covered by St. Paul, MN office.
Louisiana, New Orleans 70130, 829 F. Edward Hebert Federal Bldg., 600 South St.	Arkansas	All counties.
	Louisiana	All counties.
	Mississippi	All counties.
Maryland, Baltimore 21201, 1017 Federal Bldg., 31 Hopkins Plaza.	Delaware	Kent and Sussex.
	Maryland	All except those listed for Washington, D.C.
	West Virginia	All counties.
Maryland, Columbia 21045, Special Enforcement Facility, Laurel, P.O. Box 250.		
Massachusetts, Boston 02109, 1600 Customhouse, 165 State St.	Connecticut	All counties.
	Maine	All counties.
	Massachusetts	All counties.
	New Hampshire	All counties.
	Rhode Island	All counties.
	Vermont	All counties.
Michigan, Detroit 48226, 1054 Federal Bldg., 231 W. Lafayette, Special Enforcement Facility, Detroit—1007 Federal Bldg.	Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clarke, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, and Woodford, all others covered by Chicago, IL office.
	Michigan	All counties except those listed for St. Paul, MN.
	Ohio	All counties.
Minnesota, St. Paul 55101, 691 Federal Bldg. & U.S. Courthouse, 316 N. Robert St.	Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iran, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft; all others covered by Detroit, MI office.
	Minnesota	All counties.
	Wisconsin	All except those listed for Chicago, IL.
Missouri, Kansas City 64133, Room 320 Brywood Office Tower, 8800 E. 63rd Street.	Iowa	All counties.
	Kansas	All counties.
	Missouri	All counties.
	Nebraska	All counties.
Nebraska, Grand Island 68801, Special Enforcement Facility, P.O. Box 1588.		
New York, Buffalo 14202, 1307 Federal Bldg., 111 West Huron Street.	New York	All except those listed for New York, N.Y.

Footnote at end of table.

Field Installations	States	Administrative Areas Counties
New York, New York 10014, 201 Varick Street	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; all others covered by Philadelphia, PA office.
	New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau-New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schnectady, Suffolk, Sullivan, Ulster, and Westchester; all others are covered by Buffalo, N.Y. office.
Ohio, Cincinnati 45231,[1] 8620 Winton Road		
Oregon, Portland 97204, 1782 Federal Office Bldg., 1220 S.W. 3rd Avenue.	Idaho	All except those listed for Seattle, WA.
	Oregon	All counties.
	Washington	Clark, Cowlitz, Klickitat, Skamania and Wahkiakum; all others covered by Seattle, WA office.
Pennsylvania, Philadelphia 19106, 11425 James A. Byrne Federal, Courthouse, 601 Market Street.	Delaware	New Castle.
	New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem; all others covered by New York, N.Y. office.
Pennsylvania, Monroeville 15146, (Pittsburgh),[1] William Penn Highway.	Pennsylvania	All counties.
Puerto Rico, Hato Rey 00918, (San Juan), 747 Federal Bldg.	Puerto Rico	All counties.
	Virgin Islands	All.
Texas, Beaumont 77701,[1] Jack Brooks Federal Bldg., Room 323, 300 Willow Street.		
Texas, Dallas 75242, Earle Cabell Federal Bldg., U.S. Courthouse, Room 13E7, 1100 Commerce Street.	Oklahoma	All counties.
	Texas	All except those listed for Houston, TX.
Texas, Houston 77002, New Federal Office Bldg., 515 Rusk Avenue, Room 5636.	Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kennedy, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Madison, Matagorda, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Starr, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala; all others covered by Dallas, TX office.
Virginia, Norfolk 23502, Military Circle, 870 North Military Highway.	North Carolina	All counties.
	Virginia	All except those listed for District of Columbia.
Washington, Seattle 98174, 3256 Federal Bldg., 915 Second Avenue.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone; all others covered by Portland, OR office.
	Montana	All counties.
	Washington	All except those listed for Portland, OR.

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[1] Indicates specialized office with no designated administrative area.

(c) Monitoring stations are located at the following addresses and geographical coordinates:

Allegan, Michigan 49010
42°36′20″ N. Latitude
85°57′20″ W. Longitude
Anchorage, Alaska 99502
61°09′43″ N. Latitude
149°59′55″ W. Longitude
Belfast, Maine 04915
44°26′42″ N. Latitude
69°04′58″ W. Longitude
Douglas, Arizona 85607
31°30′06″ N. Latitude
109°39′10″ W. Longitude
Ferndale, Washington 98240
48°57′21″ N. Latitude
122°33′13″ W. Longitude
Fort Lauderdale, Florida 33314
26°06′08″ N. Latitude

80°16'42" W. Longitude
Grand Island, Nebraska 68801
40°55'24" N. Latitude
98°25'59" W. Longitude
Kingsville, Texas 78363
27°26'29" N. Latitude
97°53'00" W. Longitude
Laurel, Maryland 20810
39°09'54" N. Latitude
76°49'17" W. Longitude
Livermore, California 94550
37°43'30" N. Latitude
121°45'12" W. Longitude
Powder Springs, Georgia 30073
33°51'44" N. Latitude
84°43'26" W. Longitude
Sabana Seca, Puerto Rico 00749
18°27'23" N. Latitude
66°13'37" W. Longitude
Waipahu, Hawaii 96797
21°22'45" N. Latitude
157°59'54" W. Longitude

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended (47 U.S.C. 154, 155, 303))

[43 FR 55764, Nov. 29, 1978, as amended at 44 FR 77167, Dec. 31, 1979; 45 FR 19558, Mar. 26, 1980]

PRIVATE RADIO BUREAU

§ 0.131 Functions of the Bureau.

The Private Radio Bureau develops, recommends, and administers policies and programs for the development and regulation of the Private Radio Services. These services include nationwide and international uses of radio by persons, businesses, state and local governments, and other organizations licensed to operate their own communications systems for their own use as an adjunct of their primary business or other activity. This program includes, among others (1) the compulsory use of radio for safety at sea purposes, and (2) the regulation of public coast stations. The Bureau performs the following functions:

(a) Advises and makes recommendations to the Commission and acts for the Commission in matters pertaining to the regulation and development of the Private Radio Services. These matters include: Rule making, waivers of rules, action on applications for authorizations, adjudicative hearings, enforcement activities, legislation, and defense matters.

(b) Participates in treaty activities and all phases of international conferences concerning the Private Radio Services.

(c) Conducts studies of frequency requirements in the Private Radio Services; recommends allocations of frequencies and drafts frequency assignment plans for these services.

(d) Studies technical requirements for equipment for the Private Radio Services in accordance with standards established by the Chief Scientist.

(e) Collaborates and coordinates with Federal and State Government agencies in matters involving the Private Radio Services.

(f) Advises and assists members of industry and user groups interested in the Private Radio Services.

[31 FR 6832, May 7, 1966, as amended at 44 FR 39179, July 5, 1979; 45 FR 25399, Apr. 15, 1980]

§ 0.132 Units in the Bureau.

The detailed operations of the Bureau are performed within five major units, as follows:

(a) Office of the Bureau Chief;
(b) Policy Development Division;
(c) Rules Division;
(d) Licensing Division; and
(e) Compliance Division.

[44 FR 39179, July 5, 1979]

OFFICE OF ADMINISTRATIVE LAW JUDGES

§ 0.151 Functions of the Office.

The Office of Administrative Law Judges consists of a Chief Administrative Law Judge, an Assistant Chief Administrative Law Judge, and as many other Administrative Law Judges qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for any evidentiary adjudicatory hearing other than those designated to be heard by the Commission en banc or by one or more members of the Commission, and for such other hearings as the Commission may assign.

§ 0.152 Responsibilities of the Chief Administrative Law Judge.

The Chief Administrative Law Judge and, in his absence, an Acting Chief Administrative Law Judge appointed by the Chief Administrative Law

Judge, have the following administrative responsibilities:

(a) To coordinate and supervise administratively the activities of the Office of Administrative Law Judges.

(b) To prepare and maintain hearing calendars, showing the time and place of the commencement of hearings.

(c) To receive, correlate and approve recommendations of the Administrative Law Judges of the Commission on matters relating to changes in rules and regulations governing hearing procedures, and recommend to the Commission desirable changes in said rules and regulations to promote the simplified and expeditious conduct of proceedings.

(d) To require and prepare reports, statistical data and other information requested or required by the U.S. Office of Personnel Management or other offices or agencies of the U.S. Government concerned with the proper operation of the Office of Administrative Law Judges.

(e) To serve, upon instruction of the Commission or the Chairman, as liaison for the Commission and the Office of Administrative Law Judges in the making of appropriate arrangements for the securing of advice or information from representatives of other agencies, bar associations, and other interested persons in connection with the formulation and improvement of administrative procedures and practices applicable to the Commission's proceedings.

(f) To exercise such authority as may be assigned to him by the Commission pursuant to section 5(d) of the Communications Act, as amended.

[28 FR 12392, Nov. 22, 1963, as amended at 45 FR 39850, June 12, 1980]

REVIEW BOARD

§ 0.161 Functions of the Board.

The Review Board is a permanent body with continuing functions, composed of three or more Commission employees designated by the Commission. The Board reviews initial decisions and other hearing matters referred to it by the Commission, and performs such additional duties not inconsistent with these functions as may be assigned to it by the Commission.

[41 FR 14870, Apr. 8, 1976]

OFFICE OF OPINIONS AND REVIEW

§ 0.171 Functions of the Office.

The Office of Opinions and Review is composed of legal, engineering, accounting, and other personnel and is headed by a Chief. It assists and makes recommendations to the Commission, and to individual commissioners designated to review initial decisions, in the disposition of matters arising in cases of adjudication (as defined in the Administrative Procedure Act and such other cases as by Commission policy are handled in the same manner) which have been designated for hearing.

NETWORK INQUIRY SPECIAL STAFF

§ 0.176 Functions of the staff.

The network inquiry special staff is responsible for conducting a fact-gathering investigation and preparing a final report to the Commission relating to commercial television network practices, the ability of station licensees to serve the public interest, and related policy issues.

[43 FR 36445, Aug. 17, 1978]

DEFENSE AND EMERGENCY PREPAREDNESS FUNCTIONS

§ 0.181 The Defense Commissioner.

A Defense Commissioner and two Alternate Defense Commissioners are designated by the Commission. The Defense Commissioner directs the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to significant developments in the field of emergency preparedness, defense mobilization, and any defense activities that involve formulation or revision of Commission policy in any area of responsibility of the Commission.

(b) To represent the Commission in national defense matters requiring conferences or communications with other governmental officers, departments, or agencies.

(c) To act as the Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions, and to serve as the principal representative of the Commission to the Interagency Emergency Planning Committee of the Federal Preparedness Agency/General Services Administration.

(d) To serve as the principal representative of the Commission to the Interagency Civil Defense Committee of the Defense Civil Preparedness Agency of the Department of Defense.

(e) To serve as the principal point of contact for the Commission on all matters pertaining to the National Communications System.

(f) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(g) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other Commissioners or members of the staff, as set forth in §§ 0.186 and 0.383.

(h) To approve national emergency plans and develop preparedness programs covering: provision of service by common carriers; broadcasting facilities, and the safety and special radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.

(i) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of Commission personnel and property.

[29 FR 14664, Oct. 28, 1964, as amended at 41 FR 31209, July 27, 1976]

§ 0.182 Executive Director.

(a) Recommends national emergency plans and preparedness programs covering: provision of service by common carriers, broadcasting facilities, and the safety and special radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.

(b) Acts as Alternate Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions.

(c) Serves as the alternate representative of the Commission to the Interagency Emergency Planning Committee of the Federal Preparedness Agency/General Services Administration; serves as the alternate representative of the Commission to the Interagency Civil Defense Committee of the Defense Civil Preparedness Agency of the Department of Defense.

(d) Provides for the Executive Secretariat for the National Industry Advisory Committee.

(e) Keeps the Defense Commissioner informed as to significant developments in the field of emergency preparedness and related defense activities.

[41 FR 31209, July 27, 1976]

§ 0.183 Emergency Communications Division.

(a) The Emergency Communications Division under the supervision and direction of the Executive Director and with the concurrence of the responsible Bureau Heads and Staff Officers, develops and prepares for the Executive Director national emergency plans and develops preparedness programs covering:

(1) Provision of service by common carriers, broadcasting facilities, and safety and special radio services under national emergency conditions;

(2) Assignment of radio frequencies to Commission licensees under national emergency conditions;

(3) Preparation of data with respect to facilities operated by the non-government communications industry for use by the Mathematical Computation Laboratory;

(4) Control of non-Federal Government radio stations in an emergency;

(5) Investigations of violations of pertinent law and regulations in an emergency, and development of procedures to bring about the appropriate

enforcement actions required in the interest of national security;

(6) Provision of financial, credit or other assistance to common carriers and Commission licensees who need such assistance in various conditions of mobilization;

(7) Development by common carriers and licensees of standby plans for the conservation and salvage of supplies and equipment as well as the rehabilitation, restoration, or replacement of essential communication facilities after an attack;

(8) Preparation, as claimant agency for the non-Government communications industry, to claim materials, manpower, equipment, supplies and services needed in support of the common carriers and Commission licensees from the appropriate resource agencies, and work with these agencies to insure availability of such resources in an emergency;

(9) Provision of advice and guidance to achieve industry protection necessary to maintain the integrity of the facilities and services provided by common carriers and radio station licensees, and promote a national program to stimulate disaster preparedness and damage control;

(10) Development and maintenance of a capability to assess the effects of attack on communication facilities and services subject to Commission regulation, which are essential in a national emergency, and provision of data to appropriate agencies.

(b) Prepares plans, in collaboration with the Bureaus and Offices, for the continuity of Government functions of the Commission in the event of a national emergency, including: Plans for emergency mobilization of the Commission's personnel; positioning, maintenance, and protection of supplies, material and essential records; and selection, training, transportation and emergency assignment of personnel.

(c) Furnishes administrative support for the National Industry Advisory Committee, its sub-committees and special working groups as may be formed for specific purposes by the Defense Commissioner.

[41 FR 31209, July 27, 1976]

§ 0.185 Responsibilities of the bureaus and staff offices.

The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Executive Director in the performance of his duties with respect to defense activities will have the following duties and responsibilities:

(a) To keep the Executive Director informed of the instigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render assistance and advice to the Executive Director on matters which relate to the functions of their respective bureaus or staff offices.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective bureaus or staff offices and the Commission's policy with respect thereto.

(d) To perform such other duties related to the Commission's defense activities as may be assigned to them by the Commission.

[29 FR 14665, Oct. 28, 1964]

§ 0.186 Emergency Relocation Board.

(a) An Emergency Relocation Board, to be convened by the Commission's relocation headquarters, performs the functions of the Commission in the event of the inability of the Commission to function at its offices in Washington, D.C., resulting from disaster or the threat of imminent disaster from enemy attack or from natural causes, either:

(1) At the time of or under circumstances specified in a directive from the President.

(2) In the absence thereof, upon receipt of a warning signal indicating that an attack on the capital is likely.

(3) In the absence of either a directive or warning signal, immediately following an actual attack.

(b) The Board shall comprise such Commissioners as may be present and able to act or, if no Commissioner is present and able to act, the occupant of the following positions, in the order listed, who is present and able to act:

(1) The Chief, Field Operations Bureau.

(2) The General Counsel.

(3) The Chief Scientist.

(4) The Chief, Private Radio Bureau.

(5) The Chief, Broadcast Bureau.

(6) The Chief, Common Carrier Bureau.

(7) The Executive Director.

(8) The Deputy Chief, Field Operations Bureau.

(9) The Deputy General Counsel.

(10) The Deputy Chief Scientist.

(11) The Deputy Chief, Private Radio Bureau.

(12) The Deputy Chief, Broadcast Bureau.

(13) The Deputy Chief, Common Carrier Bureau.

(14) The Chief of Division, ranking in the same order as indicated in paragraphs (b) (1) to (7) of this section.

[28 FR 12392, Nov. 22, 1963, as amended at 40 FR 17253, Apr. 18, 1975; 41 FR 31210, July 27, 1976; 44 FR 39179, July 5, 1979]

Subpart B—Delegations of Authority

AUTHORITY: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

SOURCE: 28 FR 12402, Nov. 22, 1963, unless otherwise noted.

NOMENCLATURE CHANGES: 37 FR 19372, Sept. 20, 1972.

GENERAL

§ 0.201 General provisions.

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners, such as the Telegraph and Telephone Committees.

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Review Board and to the Chief Administrative Law Judge.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Administrative Law Judge are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.341.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.291-1.298 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.301. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.303. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.101, 1.102, 1.104, 1.106, 1.113, 1.115, and 1.117. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.276-1.279.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

§ 0.203 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.102 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

§ 0.204 The exercise of delegated authority.

(a) *Authority to issue orders and to enter into correspondence.* Any official (or group of officials) to whom authority is delegated in this subpart is authorized to issue orders (including rulings, decisions, or other action documents) pursuant to such authority and to enter into general correspondence concerning any matter for which he is responsible under this subpart or subpart A of this part.

(b) *Authority of subordinate officials.* Authority delegated to any official to issue orders or to enter into correspondence under paragraph (a) of this section may be exercised by that official or by appropriate subordinate officials acting for him.

(c) *Signature.* (1) A final decision of the Review Board is signed by the Board member responsible for its preparation.

(2) Other orders made by a committee, board or panel identify the body and are signed by the Secretary.

(3) Upon signing an order, the Secretary affixes the Commission's seal.

(4) General correspondence by a committee or board is signed by the committee or board chairman.

(5) All other orders and letters are signed by the official who has given final approval of their contents.

(6) With the exception of license forms requiring the signature of an appropriate official of the issuing bureau or office, license forms bear only the seal of the Commission.

(d) *Form of orders.* Orders may be issued in any appropriate form (e.g., as captioned orders, letters, telegrams) and may, if appropriate, be issued orally. Orders issued orally shall, if practicable, be confirmed promptly in writing.

(e) *Minutes entries.* Except as otherwise provided in this subpart, actions taken as provided in paragraph (d) of this section shall be recorded in writing and filed in the official minutes of the Commission.

[33 FR 8227, June 1, 1968, as amended at 38 FR 18550, July 12, 1973]

COMMISSIONERS

§ 0.211 Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $5,000; and to act within the purview of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 240-243, to settle claims directed against the United States where the amount of the claim does not exceed $6,500.

(e) Authority to act as "Head of the Agency" or "Agency Head" for administrative determinations required by Federal Procurement Regulations and Federal Management Circulars.

[28 FR 12402, Nov. 22, 1963, as amended at 40 FR 6473, Feb. 12, 1975; 41 FR 49095, Nov. 8, 1976]

§ 0.212 Board of Commissioners.

(a) Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

(b) The Board of Commissioners is authorized to act upon all matters normally acted upon by the Commission en banc, except the following:

(1) The final determination on the merits of any adjudicatory or investigatory hearing proceeding or of any rule making proceeding, except upon a finding by the Board that the public interest would be disserved by waiting the convening of a quorum of the Commission.

(2) Petitions for reconsideration of Commission actions.

(3) Applications for review of actions taken pursuant to delegated authority.

(c) The Board of Commissioners is authorized to act upon all matters normally acted upon by an individual Commissioner (when he or his alternates are not present or able to act) or by a committee of Commissioners (in the absence of a quorum of the committee).

(d) Actions taken by the Board of Commissioners shall be recorded in the same manner as actions taken by the Commission en banc.

(e) This section has no application in circumstances in which the Commission is unable to function at its offices in Washington, D.C. See §§ 0.181-0.186 and 0.381-0.387.

[30 FR 9314, July 27, 1965]

§ 0.215 Telecommunications Committee.

A Telecommunications Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests (except requests for special temporary authorization covered by § 0.291) submitted under Sections 214 or 319 of the Communications Act of 1934, as amended, by communications common carriers, where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of $10 million.

(Secs. 4, 5, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 155, 303)

[44 FR 18500, Mar. 28, 1979]

§ 0.218 Authority of, and delegated to, an individual Commissioner or Commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The Commissioner or Commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

(c) Except for actions taken during the course of a hearing and upon the record thereof, actions taken by a Commissioner or Commissioners pursuant to the provisions of this section shall be recorded in writing and filed in the official minutes of the Commission.

EXECUTIVE DIRECTOR

§ 0.231 Authority delegated.

(a) The Executive Director, or his designee, is delegated authority to exempt Standard, FM, and Television broadcast licensees from the requirement of installing and maintaining the necessary equipment to receive Emergency Action Notifications and Terminations and arranging for either an associated listening watch, or automatic alarm, or both. (See § 73.922 of this chapter.)

(b) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to radio station licensees for national defense purposes.

(c) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver of the filing fee requirements for modification applications occasioned by natural disasters.

(d) The Executive Director, or his designee, is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.

(e) [Reserved]

(f) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority, within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. § 2672, to grant tort claims directed against the Commission where the amount of damages does not exceed $5,000.

(g) The Executive Director is delegated authority to act as Head of the Procurement Activity and Contracting Officer for the Commission and to designate appropriate subordinate officials to act as Contracting Officers for the Commission. As Head of the Procurement Activity, the Executive Director will refer all appeals filed against final decisions regarding award of contracts to the Board of Contract Appeals of the General Services Administration for resolution. Appeals will be handled in accordance with the Rules of the Board of Contract Appeals.

(h) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for refunds of fees.

[29 FR 14666, Oct. 28, 1964, as amended at 30 FR 14106, Nov. 9, 1965; 36 FR 15121, Aug. 13, 1971; 36 FR 23298, Dec. 8, 1971; 40 FR 17254, Apr. 18, 1975; 41 FR 49095, Nov. 8, 1976; 43 FR 24310, June 5, 1978; 44 FR 21275, Apr. 10, 1979]

CHIEF SCIENTIST

§ 0.241 Authority delegated to the Chief Scientist.

The Chief Scientist is delegated authority to act upon the following matters which are not in hearing status:

(a) With respect to type approval of radio frequency equipment and certification of radio frequency equipment as acceptable for licensing, to exercise all functions of the Commission pertaining to the:

(1) Examination of all applications for type approval of radio frequency equipment as provided for in this chapter; performance of tests, analysis of data, and determination of compliance with the provisions of this chapter; issuance of type approval certificates for radio frequency equipment which complies with the provisions of this chapter; and issuance of lists of type approved equipment.

(2) Examination of all applications for certification of radio frequency equipment as acceptable for licensing as provided for in this chapter; notification to the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the equipment does or does not appear to be acceptable for licensing in the particular radio service or services involved; and issuance of lists of radio frequency equipment certified as acceptable for licensing.

(3) Examination of all applications for certification (approval) of subscription television technical systems as acceptable for use under a subscription television authorization as provided for in this chapter; notification of the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the system does or does not appear to be acceptable for authorization as a subscription television system; and issuance of a list of subscription television systems certified as acceptable for authorization. The delegation granted in this subparagraph shall be exercised in consultation with the Chief, Broadcast Bureau.

(4) Examines all applications for registration of equipment as acceptable for direct connection to the telephone network jointly in cooperation with the Chief, Common Carrier Bureau; upon obtaining the concurrence of the Chief, Common Carrier Bureau, issues registration authorizations and issues a list of equipment registered as acceptable for direct connection to the telephone network.

(b) With respect to stations operating in the Experimental Radio Service that are not engaged in the development of an established service and administered by a single Bureau, to act upon the following matters:

(1) Applications to assign frequencies, power, emission, and types of equipment and to approve the apparatus to be employed by these radio stations so as to provide the maximum results from the experimentation which can reasonably be expected of the licensee.

(2) Applications from existing licensees which involve a change in frequency, power, or type of emission.

(3) Applications which involve only a change in location, type, model, design or number of transmitters.

(4) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorizations.

(5) Applicants for license or modification of license to cover construction permit.

(6) Applications for renewal of licenses.

(7) Applications for extension of the expiration date of construction permits.

(8) For addition, modification, or coordination of programs of research or experimentation so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(9) Requests for operation with a modified antenna system where formal application is not required.

(10) Requests for extension of time within which to comply with technical requirements specified in authorizations, orders, rules, or releases of Commission.

(11) Representation of compliance with technical requirements specified in authorizations, orders, rules, or releases of the Commission (except formal applications).

(12) Requests to operate at a temporary location with a temporary antenna system.

(13) Request for special conditions of operation necessary to comply with technical requirements specified in authorizations, orders, rules, or releases of the Commission.

(14) Request for special temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during those hours.

(15) Request for exemption from station identification requirements.

(16) Request for exemption from transmitter control requirements.

(17) Request for exemption from limitation on authorized points of communication.

(c) To assign new or modified call signs to stations in all of the radio services except the Personal and Amateur Radio Services. See §§ 0.332(a) and 1.550 of this chapter.

(d) To act on requests for extension of time within which briefs, comments and pleadings may be filed, in matters or proceedings for which the Office is responsible or primarily responsible. (If responsibility is shared with other Bureaus or Offices, action shall be coordinated with them.)

[28 FR 12402, Nov. 22, 1963, as amended at 28 FR 14502, Dec. 31, 1963; 34 FR 14375, Sept. 13, 1969; 41 FR 7751, Feb. 20, 1976; 41 FR 26014, June 24, 1976; 42 FR 8326, Feb. 9, 1977; 44 FR 4486, Jan. 22, 1979]

§ 0.243 Authority delegated to the Chief Scientist upon securing concurrence of the General Counsel.

(a) The Chief Scientist, upon securing concurrence of the General Counsel, is delegated authority with respect to stations operating in the experimental radio services, other than experimental and developmental stations operating in established services under the jurisdiction of a single bureau, to act upon the following matters:

(1) Applications for construction permits for new stations.

(2) All requests for withdrawal of papers in accordance with § 1.8 of this chapter.

(3) Applications for consent to assignment and transfer of control of station authorizations.

(4) The extension of time previously ordered by the Commission within which transfers of control or assignment of licenses be effectuated.

(b) The Chief Scientist, upon securing concurrence of the General Counsel, is authorized to issue notices of apparent liability, final forfeiture orders, and orders canceling or reducing forfeitures imposed under § 1.80(f) of this chapter, in the amount of $2,000 or less; and is authorized to issue citations pursuant to § 1.80(d).

(c) The Chief Scientist, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver of the all-channel television receiver rules contained in Part 15 of this chapter where the receiver involved in such requests is an integral part of a hospital communications system. In such cases, a grant may be made when there is no danger of adversely affecting the audience potential of present or future UHF television stations, and benefits are to be derived from the grant of the requests.

(d) The Chief Scientist, upon securing concurrence of the General Counsel, is authorized to dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(e) The Chief Scientist, upon securing concurrence of the General Counsel, is authorized to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

[28 FR 12402, Nov. 22, 1963, as amended at 29 FR 10585, July 20, 1964; 31 FR 3074, Feb. 24, 1966; 31 FR 4456, Mar. 16, 1966; 43 FR 52244, Nov. 9, 1978; 44 FR 4486, Jan. 22, 1979]

§ 0.247 Record of actions taken.

The application and authorization files and other appropriate files of the Office of the Science and Technology are designated as the official minute entries of actions taken pursuant to §§ 0.241 and 0.243.

[33 FR 8228, June 1, 1968, as amended at 44 FR 39179, July 5, 1979]

GENERAL COUNSEL

§ 0.251 Authority delegated.

(a) [Reserved]

(b) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority to act upon requests for extension of time within which briefs, comments or pleadings may be filed.

(c) The General Counsel is delegated authority to dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(d) The General Counsel is delegated authority to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(e) The General Counsel is delegated authority to dismiss as repetitious any petition for reconsideration of a Commission order denying an application for review which fails to rely on new facts or changed circumstances.

[28 FR 12402, Nov. 22, 1963, as amended at 31 FR 3074, Feb. 24, 1966; 31 FR 4456, Mar. 16, 1966; 31 FR 11756, Sept. 8, 1966; 31 FR 13474, Oct. 19, 1966; 44 FR 60294, Oct. 19, 1979]

OFFICE OF PLANS AND POLICY

§ 0.271 Authority delegated.

(a) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the Chief, Office of Plans and Policy is delegated authority to deny requests or to extend the time within which comments may be filed in dockets over which the Office of Plans and Policy has primary authority.

[45 FR 10347, Feb. 15, 1980]

CHIEF, BROADCAST BUREAU

§ 0.281 Authority delegated.

The performance of functions and activities described in § 0.71 is delegated to the Chief, Broadcast Bureau: *Provided*, That the following matters shall be referred by the Chief, Broadcast Bureau, to the Commission en banc for disposition:

(a) *Applications.* Formal and informal applications for new or modified AM, FM, and TV facilities, and for the renewal, assignment, and transfer of construction permits and licenses involving such facilities, when such applications fail to satisfy the requirements of Commission rules or established Commission policy in the following areas of special concern:

(1) *Multiple ownership, concentration of control, and cross-interests.*

(i) Acquisition of a third broadcast station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of a third and primary service contour overlap would occur; "one-to-a-market" situations involving UHF stations or TV satellite stations; and duopoly situations involving TV satellite stations. (Commonly owned AM and FM stations in the same market are treated as one station for the purpose of the "third station" limitations.)

(ii) Acquisition of a broadcast station by a newspaper in the same area, or other organization having substantial interests in the print media in the same area.

(iii) Creation of common ownership interests, management ties, or employment relationships between licensees serving substantial common areas and populations. Commonality of areas and populations served shall be determined in duopoly situations by overlap of the following service contours:

AM—1 mVm; FM—1 mVm; and TV—Grade B. In "one-to-a-market" situations, commonality of areas and populations served shall be determined by community encompassment with the following service contours: AM—2 mVm; FM—1 mVm; and TV—Grade A.

(iv) Acquisition of broadcast properties by corporations or individuals appearing to dominate the economic life of the community.

(2) *Trafficking.* Acquisition of broadcast properties by persons having a history of short term buying and selling such properties, or seeking waiver of the "three-year rule" (§ 1.597 of this chapter) when the seller will realize a profit.

(3) *Anti-trust activity, unfair trade practices, and violations of law not previously considered by the Commission.* (i) Proposals by applicants against whom communications-related anti-trust suits are pending or against whom there is pending any anti-trust suit in which an adverse verdict has been reached.

(ii) Proposals by applicants who have entered into a consent decree, have pleaded guilty or nolo contendere, or have been adjudged guilty in an anti-trust case during the three-year period preceding the filing of the application.

(iii) Proposals by applicants who have been the subject of a final cease and desist or consent order issued by the Federal Trade Commission during the three-year period preceding the filing of the application.

(iv) Proposals by applicants or including parties with felony or capital offense conviction records, or against whom a criminal proceeding is pending.

(4) *Violations and complaint matters.* Proposals filed by applicants against whom violation notices of a serious nature are outstanding or against whom questions suggesting serious misconduct remain unresolved, or by applicants with records of serious past misconduct.

(5) *Equal employment opportunities.* Proposals filed by applicants whose equal employment opportunities programs do not comply with Commission rules or policies and cannot be cleared by further staff inquiry or action, or whose past performance suggests the existence of discriminatory practices.

(6) *Short-term licenses and renewals.* Proposals which in the opinion of the Chief, Broadcast Bureau, warrant the issuance of a short-term license or renewal authorization.

(7) *Programming: commercial matter.*

(i) Commercial TV applicants for a new station, or assignment or transfer, or renewal of license, proposing to exceed 16 minutes of commercial matter per hour, or during periods of high demand for political advertising, providing for exceptions permitting in excess of 20 minutes of commercial matter per hour during 10% or more of the station's total weekly hours of operation.

(8) *Programming: program content and ascertainment of community needs.* (i) Applications for new stations or assignments and transfers.

(A) Commercial AM and FM proposals of applicants for new stations and of assignees and transferees that have not submitted a narrative statement of their proposed programming, commercial TV proposals of applicants for new stations and of assignees and transferees (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals of applicants for new stations and of assignees or transferees which contain substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1971 Ascertainment Primer: 27 FCC 2d 650 (1971), 36 FR 4092).

(ii) Applications for renewal.

(A) Commercial TV proposals (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals containing substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1976 Ascertainment Primer: 57 F.C.C. 2d 418 (1975), *recon. granted in part*, 61 F.C.C. 2d 1 (1976)).

(9) *Programming: Substantial shifts in format.* Commercial AM, FM, and TV applications disclosing substantial changes affecting either the entertainment or non-entertainment portions of existing formats which raise significant public interest questions, or which are opposed by the listening or viewing public.

(10) *Programming: promise versus Performance.* (i) Applications for assignments and transfers.

TV applications for assignment or transfer which vary substantially from the assignor's or transferor's prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this Section), or from the programming categories (as set forth in paragraph (a)(8) of this Section), and for which variation there is lacking, in the judgment of Broadcast Bureau, adequate justification in the public interest.

(ii) Applications for renewal.

Commercial TV applications for renewal which vary substantially from prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this Section), or from the programming categories set forth in paragraph (a)(8) of this Section, and for which variation there is lacking, in the judgment of the Broadcast Bureau, adequate justification in the public interest.

(11) *Hearing orders.* (i) Mutually exclusive applications involving non-routine hearing issues.

(ii) Renewal, assignment, and transfer applications which appear to call for evidentiary hearing.

(iii) Such other applications, as in the opinion of the Chief, Broadcast Bureau, warrant referral to the Commission prior to designation for hearing.

(12) *Interference and mileage separations.* Proposals for new or modified AM, FM, and TV facilities which would create substantial new prohibited overlap or station separation shortages. In the case of AM proposals (other than Class IV), a net increase in objectionable interference to another AM station involving more than 1 per-

cent of the population served by such other station, whether or not consented to by the station affected, shall be referred to the Commission.

(13) *Station location.* (i) Commercial AM, FM, and TV proposals which, on their face, appear realistically intended to serve another community of larger size. Signal penetrations of 5 mV/m (AM), 3.16 mV/m (FM), and city grade (TV) shall be used in determining whether referral to the Commission is appropriate.

(ii) Any other such proposal raising allocations problems or presumptions under section 307(b) of the Communications Act which, for any reason, cannot be resolved by further staff inquiry or action.

(14) *Main studio relocation.* All AM, FM, and TV proposals for main studio relocation, or for waiver of main studio program origination requirements, under circumstances which have traditionally been viewed as creating a de facto change in station location.

(15) *VHF television expansion.* Commercial VHF television proposals seeking to bring or extend their Grade B contours into a significant area or population included within the predicted Grade B contour of a UHF television station where the area or population involved is covered by fewer than 4 VHF television signals.

(16) [Reserved]

(17) *Experimental and development operation.* Proposals for experimental and developmental authority containing policy implications which, in the opinion of the Chief, Broadcast Bureau, warrant referral to the Commission.

(18) *Miscellaneous applications and requests.* (i) Proposals for special temporary, emergency, conditional, or interim operating authority of more than routine significance.

(ii) Any other application, proposal, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Petitions and other requests for Commission action.* (1) Petitions to deny directed against AM, FM, and TV applications for renewal or assignment of license or transfer of control, when such petitions are timely filed and properly lie as a matter of law. Other petitions and informal objections will be referred to the Commission only if they contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(2) Petitions and other requests for reconsideration of actions taken by the Chief, Broadcast Bureau, when such petitions or requests contain new or novel arguments not previously considered by the Commission, present facts or arguments which appear to justify a change in Commission policy, or request reconsideration of orders designating cases for hearing.

(3) Applications for review of actions taken by the Chief, Broadcast Bureau, which comply with § 1.115 of this chapter.

(4) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(6) Petitions for rule making which have been accepted under § 1.403, and final dispositions of rule making proceedings not involving routine changes in the FM and TV Tables of Assignments.

(7) Petitions and other requests for waiver of the prime-time access rule, in areas where Commission policy is not clearly established.

(8) Petitions and other requests for long-term waiver of the policy limiting affiliations by commonly owned networks in the same market.

(9) Petitions and other requests for waiver of the sponsorship identification provisions of the Communications Act, in accordance with section 317(d) thereof.

(10) Any other petition, pleading, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(c) *Administration and enforcement.* (1) Proposed orders to show cause why station licenses or construction permits should not be revoked.

(2) Proposed actions following any case remanded by the courts.

(3) Notices of opportunity for hearing pursuant to § 1.80(g) of this chapter; and notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) if the amount set out in the notice of apparent liability is more than $4000.

(4) Proposed public notices expressing Commission policy, interpreting the provisions of law, regulations, or treaties, or warning the broadcast industry as to certain types of violations.

(5) Problems involving apparent violation of the Commission's rules governing equal employment opportunities or otherwise indicating the existence of discriminatory practices which, in the opinion of the Chief, Broadcast Bureau, or the Equal Employment Opportunity Commission should be brought to the attention of FCC Commissioners.

(6) Any other complaint or enforcement matter presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[38 FR 31175, Nov. 12, 1973, as amended at 41 FR 20170, May 17, 1976; 44 FR 5436, Jan. 26, 1979; 44 FR 32377, June 6, 1979; 44 FR 60294, Oct. 19, 1979; 45 FR 42621, June 25, 1980; 46 FR 13906, Feb. 24, 1981; 46 FR 36852, July 16, 1981]

§ 0.282 Actions taken under delegated authority.

(a) In discharging the authority conferred by section 0.281 of this part, the Chief, Broadcast Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility;

(1) Complaints arising under sections 315 and 605 of the Communications Act—Office of General Counsel.

(2) Objections to proposed call signs and requests for waiver of procedural rules governing call sign assignments—Office of Science and Technology.

(3) Requests for waiver or refund of filing and/or grant fees—Office of Executive Director and Office of General Counsel.

(4) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau

(5) Matters involving emergency communications—Office of Executive Director.

(6) Complaints involving equal employment opportunities—Office of General Counsel.

(7) Requests for use of frequencies or bands of frequencies shared with private sector nonbroadcast or government services--Office of Science and Technology and appropriate operating bureau.

(8) Requests involving coordination with other agencies of government—Office of General Counsel, Office of Science and Technology and appropriate operating bureau.

(9) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Science and Technology.

(10) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Science and Technology.

(b) With respect to non-routine applications granted under authority delegated in § 0.281, the Chief, Broadcast Bureau or his designees, shall enter on the working papers associated with each application a narrative justification of the action taken. While not available for public inspection, these working papers shall, upon request, be made available to the Commissioners and members of their staffs.

(c) The Chief, Broadcast Bureau, shall prepare and submit to the Commission a quarterly statistical summary of actions taken during the preceding quarter under authority delegated to him in § 0.281. The statistical summary shall be accompanied by a statement of industry trends apparent in the staff handling of non-routine matters during the same quarter.

[38 FR 31176, Nov. 12, 1973, as amended at 40 FR 17254, Apr. 18, 1975; 44 FR 39180, July 5, 1979]

§ 0.287 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Broadcast Bureau.

[33 FR 8228, June 1, 1968]

CABLE TELEVISION BUREAU

§ 0.288 Authority delegated.

The Chief, Cable Television Bureau, is delegated authority to perform all functions of the Bureau, described in §§ 0.83–0.90, as follows:

(a) To extend or shorten the time required to comply with Commission orders or rules, effectuate a transfer of control or assignment of license or other authorization, or to file pleadings, comments, briefs, annual reports, or responses to official correspondence;

(b) To initiate official correspondence;

(c) To act on requests for withdrawal of papers, and to dismiss petitions and applications, as provided in §§ 76.8 and 78.21 of this chapter, or those which are premature, repetitive, not timely filed, not acceptable under the Commission's rules, or moot;

(d) To modify or set aside on his own motion any action taken pursuant to delegated authority;

(e) To act on all applications for authorization, petitions to deny, objections, waiver requests, complaints, and requests for declaratory rulings in the Cable Television Relay Service, unless novel questions of fact, law, or policy are involved which cannot be resolved under existing precedents and guidelines;

(f) To designate for hearing, upon appropriate issues, mutually exclusive applications for authorization in the Cable Television Relay Service;

(g) To impose or delete conditions on any authorization granted pursuant to this section, to issue corrected authorizations, and to cancel authorizations in accordance with existing precedents and guidelines;

(h) To issue rulings and interpretations concerning complaints arising under section 315 of the Communications Act and §§ 76.205 and 76.209 of this chapter;

(i) To act on petitions for special relief, waiver requests, objections, complaints, and requests for declaratory rulings and stays in the Cable Television Service, unless novel questions of fact, law, or policy are involved which cannot be resolved under existing precedents and guidelines;

(j) To act on requests for special temporary authority in the Cable Television Service and for temporary authority for special operations in the Cable Television Relay Service;

(k) To act on petitions for orders to show cause, or to issue orders to show cause on his own motion, unless novel questions of fact, law, or policy are involved which cannot be resolved under existing precedents and guidelines;

(l) To enter into consent agreements pursuant to §§ 1.93 and 1.94 of this chapter;

(m) To issue citations pursuant to § 1.80 of this chapter, and to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) in the amounts of $4,000 or less for cable television systems and $2,000 or less for facilities in the Cable Television Relay Service.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[43 FR 52243, Nov. 9, 1978]

§ 0.290 Record of actions taken.

History cards, system or station files, and other appropriate files of the Cable Television Bureau are designated as the Commission's official records of actions taken by the Chief of the Cable Television Bureau pursuant to authority delegated to him.

[37 FR 15926, Aug. 8, 1972]

CHIEF, COMMON CARRIER BUREAU

§ 0.291 Authority delegated.

The Chief, Common Carrier Bureau, is hereby delegated authority to perform all functions of the Bureau, described in § 0.91, subject to the following exceptions and limitations.

(a) *Authority concerning applications.* (1) The Chief, Common Carrier Bureau shall not have authority to act on any formal or informal radio applications of Section 214 applications for common carrier services which are in hearing status or where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of $10 million or the annual rental is in excess of $2 million. (The only exception to these monetary limitations will be special temporary authorizations in the event of extraordinary circumstances requiring the immediate restoration or institution of public service.)

(2) The Chief, Common Carrier Bureau shall not have authority to act on any applications or requests which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Authority concerning sections 219 and 220 of the Act.* The Chief, Common Carrier Bureau shall not have authority to promulgate regulations or orders pursuant to section 219 or section 220 of the Communications Act of 1934, as amended, except that the Chief, Common Carrier Bureau shall have authority to approve depreciation charges to operating expenses on an interim basis subject to commission prescription prior to the end of January of the year following that in which interim approval is given.

(c) *Authority concerning section 221(a) of the Act.* (1) The Chief, Common Carrier Bureau shall not have authority to determine whether hearings shall be held on applications filed under section 221(a) of the Communications Act of 1934, as amended, where a request has been made by a telephone company, an association of telephone companies, a State Commission or local government authority. (2) The Chief, Common Carrier Bureau shall not have authority to act upon applications filed under Section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is in excess of $10 million. (3) The Chief, Common Carrier Bureau shall not have authority to act upon any application, petition or request under section 221(a) of the Communications Act of 1934, as amended, which presents novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(d) *Authority concerning non-common carrier satellite systems.* The Chief, Common Carrier Bureau shall not have authority to determine whether a construction permit shall be granted for a non-common carrier satellite system, or any part thereof, where the construction costs are in excess of $10 million.

(e) *Authority to designate for hearing.* The Chief, Common Carrier Bureau shall not have authority to designate for hearing any formal complaints which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents or guidelines. The Chief, Common Carrier Bureau shall not have authority to designate for hearing any applications except: (1) Applications for radio facilities filed pursuant to Parts 21, 22, 23 and 25 of this chapter which are mutually exclusive and (2) applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

(f) *Authority concerning forfeitures.* The Chief, Common Carrier Bureau shall not have authority to impose, reduce or cancel forfeitures pursuant to section 203 or section 503(b) of the Communications Act of 1934, as amended, in amounts of $10,000 or more.

(g) *Authority concerning applications for review.* The Chief, Common Carrier Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau, pursuant to any delegated authority.

(h) *Authority concerning rulemaking and investigatory proceedings.* The Chief, Common Carrier Bureau shall not have authority to issue notices of proposed rulemaking, notices of inquiry or to issue reports or orders arising from either of the foregoing.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

[44 FR 18501, Mar. 28, 1979; 44 FR 22078, Apr. 13, 1979, as amended at 45 FR 22945, Apr. 4, 1980; 45 FR 25399, Apr. 15, 1980; 45 FR 31723, May 14, 1980]

§ 0.301 Authority delegated jointly to Chiefs of Common Carrier and Private Radio Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Private Radio Bureau to act upon applications involving common carrier matters in the aeronautical mobile service, and in the fixed service in Alaska. (For record of actions taken under this section, see § 0.337.)

[45 FR 25399, Apr. 15, 1980]

§ 0.302 Record of actions taken.

The application and authorization files in the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief, Common Carrier Bureau pursuant to authority delegated to him. In the case of joint authority exercised by the Chief, Common Carrier Bureau, and the Chief, Private Radio Bureau, § 0.337 applies.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

[40 FR 7452, Feb. 20, 1975. Redesignated at 44 FR 18501, Mar. 28, 1979, and amended at 44 FR 39180, July 5, 1979]

§ 0.303 Authority concerning registration of telephone terminal equipment.

Authority is delegated to the Chief of the Common Carrier Bureau jointly in cooperation with the Chief Scientist to act upon applications for registration of equipment to be directly connected to the telephone network; *Provided, however,* that the Chief, Common Carrier Bureau shall exercise overall policy direction of the program, with appropriate consultation with the Chief Scientist. (For record of actions taken under this section, see § 0.247).

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

[41 FR 7750, Feb. 20, 1976. Redesignated at 44 FR 18501, Mar. 28, 1979, and amended at 44 FR 39180, July 5, 1979]

FIELD OPERATIONS BUREAU

§ 0.311 Authority delegated.

The performance of functions and activities described in § 0.111 is delegated to the Chief, Field Operations Bureau, provided that:

(a) The following matters shall be referred by the Chief, Field Operations Bureau to the Commission en banc for disposition:

(1) Notices of proposed rule making and of inquiry and final orders in rulemaking proceedings, inquiry proceedings, and non-editorial orders making rule changes with respect to Parts 13 and 17 of this chapter. (See § 0.231(d))

(2) Applications for review of actions taken pursuant to delegated authority. (See § 1.115 of this chapter).

(3) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy, which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(b) The Chief and the Deputy Chief of the Field Operations Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

(c) Rulings and orders concerning radio operator matters in a hearing status shall not be made by the Chief, Field Operations Bureau.

(d)(1) The Chief of the Field Operations Bureau is authorized to issue notices of apparent liability pursuant to § 1.80(f) of this chapter and (in the case of violation of sections 301 or 318 of the Communications Act, or parts 13 and 17 of this chapter) to issue final forfeiture orders and orders canceling or reducing forfeitures, if the amount set out in the notice of apparent liability is $2,000 or less. (The scope of the Field Operations Bureau's authority to issue notices of apparent liability will be specified in statements of policy provided by the other bureaus and offices. These statements of policy shall be available for inspection in the Field Operations Bureau.)

(2) The Chief of the Field Operations Bureau is authorized to issue citations pursuant to § 1.80(d) of this chapter.

[40 FR 17254, Apr. 18, 1975, as amended at 43 FR 52245, Nov. 9, 1978]

§ 0.314 Additional authority delegated.

The Engineer in Charge at each field office is delegated authority to act upon applications, requests, or other matters, which are not in hearing status, and direct the following activities necessary to conduct investigations or inspections:

(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

(b) [Reserved]

(c) On informal requests from broadcast stations to extend temporary authority for operation without monitors, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

(d) Relating to the time within which an applicant for amateur or commercial radio operator license may take an examination after having failed a previous examination (§§ 13.27 and 97.33 of this chapter).

(e) For periodic survey as required by section 385 of the Communications Act of 1934, as amended, and issuance of Communications Act radiotelephony certificates in accordance with § 83.512 of this chapter.

(f) Applications, in any acceptable form, filed at Commission field offices located in Alaska, for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such authorization for use in connection with the protection of life or property during an emergency period.

(g) Requests for interim ship station and for interim radar ship station licenses as provided by Part 83 of this chapter governing stations on shipboard in the maritime services.

(h) Require special equipment and program tests during inspections or investigations to determine compliance with technical requirements specified by the Commission.

(i) Require stations to operate with pre-sunrise and nighttime facilities during daytime hours in order that an inspection or investigation may be made by an authorized Commission representative to determine operating parameters.

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362(b) of the Communications Act of 1934, as amended.

(k) Issue a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 12 and 13, chapter I, of the Safety Convention.

(l) For inspection or periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

(m) Issuance of notices and orders to operators of industrial heating equipment, as provided in §§ 18.120 and 18.121 of this chapter.

(n) Requests for permission to resume operation of industrial heating equipment on a temporary basis, as provided in §§ 18.120 and 18.121 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.122(b) of this chapter.

(o) Informal applications filed in accordance with the provisions of § 83.47 of this chapter for temporary waivers of annual inspection of vessels as required by section 362(b) of the Communications Act of 1934, as amended.

(p) To act on requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in and around Puerto Rico and Miami, Fla., and to issue licenses bearing appropriate restrictions to those applicants found qualified.

(q) Act on requests for waiver of the written examination requirements of §§ 13.21, 13.22 and 13.23 of this chapter and to authorize oral examination in lieu thereof.

(r) To act on requests by blind applicants to appear at the appropriate field office for a radiotelephone license examination. (See §§ 13.11 and 13.23 of this chapter.)

(s) Make determination and notification of incurrence of forfeitures under the provisions of Section 510 of the Communications Act, as amended, with reference to violation of §§ 95.501(b), 95.471(c), 95.455(a), 95.437(a), and 95.613(b) of this chapter.

(t) Make determination and notification of incurrence of forfeiture under the provisions of section 510 of the Communications Act, as amended, for failure to respond to official communications from the Commission as required by § 1.89 of this chapter.

(u) Where appropriate, to delegate to the supervisor of each suboffice within the field office area, such duties and responsibilities set forth in this section as is necessary to permit proper performance of the duties of the suboffice.

(v) To issue Interim Amateur Permits to Amateur Radio Service licensees, pursuant to Part 97 of this Chapter.

(w) To issue Amateur Code Credit Certificates, under the provisions of Part 97 of this chapter.

(Secs. 4, 5, 303, 307, 308, 309, 48 Stat., as amended, 1066, 1082, 1083, 1084, 1085; 47 U.S.C. 154, 303, 307, 308, 309)

[28 FR 12402, Nov. 22, 1963, as amended at 32 FR 20860, Dec. 28, 1967; 36 FR 8871, May 14, 1971; 36 FR 18651, Sept. 18, 1971; 39 FR 41257, Nov. 26, 1974; 40 FR 17254, Apr. 18, 1975; 42 FR 3167, Jan. 17, 1977; 42 FR 33293, June 30, 1977; 43 FR 25122, June 9, 1978; 46 FR 35460, July 8, 1981]

§ 0.317 Record of action taken.

The application, authorization, and other appropriate central files of the Field Operations Bureau are designated as the Commission's official records of action taken pursuant to authority delegated under §§ 0.311 and 0.314, and shall constitute the official Commission minutes entry of such actions.

[40 FR 17254, Apr. 18, 1975]

CHIEF, PRIVATE RADIO BUREAU

§ 0.331 Authority delegated.

The performance of functions and activities described in § 0.131 of this part is delegated to the Chief, Private Radio Bureau, provided that

(a) The following matters shall be referred by the Chief, Private Radio Bureau to the Commission *en banc* for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking proceedings, inquiry proceedings, and non-editorial orders making rule changes. (See § 0.231(d)).

(2) Petitions for review of actions taken pursuant to delegated authority. (See § 1.115 of this chapter.)

(3) Petitions and other requests for waivers of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments, which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel ques-

tions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(6) Proposed public notices expressing new or novel Commission policy, interpreting the provisions of law, regulations, or treaties, or warning licensees in the Private Radio Services as to certain types of violations.

(7) Proposed U.S. positions to be transmitted to the Department of State for international meetings of telecommunications entities.

(8) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(9) Authority to issue a notice of opportunity for hearing pursuant to § 1.80(g) of this chapter; and authority to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) of this chapter if the amount set out in the notice of apparent liability is more than $2000.

(b) Rulings and orders concerning matters in a hearing status shall not be made by the Chief, Private Radio Bureau.

[40 FR 4423, Jan. 30, 1975, as amended at 44 FR 5436, Jan. 26, 1979; 44 FR 37180, July 5, 1979]

§ 0.332 Actions taken under delegated authority.

In discharging the authority conferred by § 0.331, the Chief, Private Radio Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

(a) Complaints arising under section 605 of the Communications Act—Office of General Counsel.

(b) Matters involving international coordination, World Administrative Radio Conferences, U.S. positions and preparation for international meetings of telecommunications entities—Office having primary responsibility for the matter.

(c) Requests for waiver or refund of filing fee—Office of Executive Director and Office of General Counsel.

(d) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau.

(e) Matters involving emergency communications—Office of Executive Director.

(f) Complaints involving equal employment opportunities—Office of General Counsel.

(g) Requests for use of frequencies or bands of frequencies shared with broadcast, common carrier, or government services—Office of Science and Technology and appropriate operating bureau.

(h) Requests involving coordination with other Federal or state agencies or foreign government when appropriate—Office of General Counsel, Office of Science and Technology or operating bureau.

(i) [Reserved]

(j) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Science and Technology.

[40 FR 4423, Jan. 30, 1975, as amended at 44 FR 11070, Feb. 27, 1979; 44 FR 39180, July 5, 1979]

§ 0.333 Authority delegated jointly to the Chief of the Common Carrier and Private Radio Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Private Radio Bureau to act upon applications involving common carrier matters in the aeronautical mobile service, and in the fixed service in Alaska.

[45 FR 25399, Apr. 15, 1980]

§ 0.334 Additional Authority delegated to the Chief, Private Radio Bureau.

Insofar as the operation of the regional center is concerned, the Chief of the Private Radio Bureau is delegated authority to exercise the following functions:

(a) In accordance with applicable rules, authority to act on all applications filed in a region in the Remote Pickup Broadcast Service (shared frequencies only) for construction permits, station licenses, modification of station licenses, renewal of station licenses, and special temporary authorizations.

(b) Except as otherwise provided in § 1.61 of this chapter, with respect to the construction, marking and lighting of antenna towers and supporting structures, authority as set forth in Part 17 of this chapter to exercise the functions of the Commission in designated Regions.

[40 FR 49778, Oct. 24, 1975, as amended at 44 FR 39180, July 5, 1979]

§ 0.335 Authority for common carrier matters delegated to Chief, Private Radio Bureau.

The Chief of the Private Radio Bureau is delegated authority for all common carrier matters involving public coast stations in the maritime mobile service.

[45 FR 25399, Apr. 15, 1980]

§ 0.337 Record of actions taken.

The history card pertaining to a certain station is designated to be the official record of the action taken by the Chief, Private Radio Bureau, in pursuance of the authority delegated to him in § 0.331 or jointly to him and the Chief, Common Carrier Bureau, in § 0.333. In cases where no history card is prepared, the application and authorization file pertaining to the station in question is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau.

[33 FR 8228, June 1, 1968, as amended at 40 FR 4423, Jan. 30, 1975; 44 FR 39180, July 5, 1979]

ADMINISTRATIVE LAW JUDGES

§ 0.341 Authority of administrative law judge.

(a) After an administrative law judge has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another administrative law judge, all motions, petitions and other pleadings shall be acted upon by such administrative law judge, except the following:

(1) Those which are to be acted upon by the Commission. See § 1.291(a)(1) of this chapter.

(2) Those which are to be acted upon by the Chief Administrative Law Judge under § 0.351.

(b) Any question which would be acted upon by the administrative law judge if it were raised by the parties to the proceeding may be raised and acted upon by the administrative law judge on his own motion.

(c) Any question which would be acted upon by the Chief Administrative Law Judge, the Review Board or the Commission, if it were raised by the parties, may be certified by the administrative law judge, on his own motion, to the Chief Administrative Law Judge, the Review Board or the Commission, as the case may be.

[29 FR 6442, May 16, 1964, as amended at 37 FR 19372, Sept. 20, 1972; 41 FR 14870, Apr. 8, 1976]

§ 0.347 Record of actions taken.

The official record of all actions taken by an Administrative Law Judge, including initial and recommended decisions and actions taken pursuant to § 0.341, is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974]

CHIEF ADMINISTRATIVE LAW JUDGE

§ 0.351 Authority delegated.

The Chief Administrative Law Judge shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by § 0.296.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.251(a) of this chapter. (The administrative law judge named to preside at the hearing may order an initial prehearing conference although the Chief Administrative Law Judge may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.251(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See § 1.253 of this chapter.) However, if all parties to a proceeding concur in holding all hearing sessions in the District of Columbia rather than at any field location, the presiding administrative law judge may act on the request.

(e) In the absence of the administrative law judge who has been designated to preside in a proceeding, to discharge the administrative law judge's functions.

(f) All pleadings filed, or matters which arise, after a proceeding has been designated for hearing, but before a law judge has been designated, which would otherwise be acted upon by the law judge, including all pleadings filed, or matters which arise, in cease and desist and/or revocation proceedings prior to the designation of a presiding officer.

(g) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Administrative Law Judge.

(h) If the administrative law judge designated to preside at a hearing becomes unavailable, to order a rehearing or to order that the hearing continue before another administrative law judge and, in either case, to designate the judge who is to preside.

(i) The consolidation of related proceedings pursuant to § 1.227(a) of this chapter, after designation of those proceedings for hearing.

[29 FR 6443, May 16, 1964, as amended at 37 FR 19372, Sept. 20, 1972; 38 FR 30559, Nov. 6, 1973; 43 FR 49307, Oct. 23, 1978; 44 FR 76295, Dec. 26, 1979]

§ 0.357 Record of actions taken.

The official record of all actions taken by the Chief Administrative Law Judge in docketed proceedings pursuant to § 0.351 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974]

REVIEW BOARD

§ 0.361 General authority.

(a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.365. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

(b) Any matter referred to the Board on a regular basis or otherwise may, on its own motion or upon its consideration of the motion of any party, be certified by the Board to the Commission, with a request that the matter be acted upon by the Commission, if in the Board's judgment the matters at issue are of such a nature as to warrant Commission review of any decision which the Board might otherwise have made. If a majority of the members of the Commission then holding office vote to grant the Board's request, the matter shall be acted upon by the Commission.

(c) Whenever the Commission determines that a matter pending before the Board involves a novel or important issue of law or policy, it may, on its own motion, by the vote of a majority of the members then holding office, direct that any matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(d) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.273-1.282 of this chapter.

(e) The Review Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(f) Except for interlocutory matters, a minimum of three members will participate in each matter referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

(g) Except in interlocutory matters, each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

[28 FR 12402, Nov. 22, 1963, as amended at 29 FR 6443, May 16, 1964; 33 FR 8228, June 1, 1968; 41 FR 14870, Apr. 8, 1976; 41 FR 38167, Sept. 9, 1976]

§ 0.365 Authority delegated to the Review Board on a regular basis.

(a) *Review of initial decisions.* Unless the Commission specifies to the contrary at the time of designation for hearing or otherwise, the Review Board shall review initial decisions of administrative law judges in all adjudicative proceedings (including mixed adjudicative and rule making proceedings), except for proceedings involving the renewal or revocation of a station license in the Broadcast Radio Services or the Common Carrier Radio Services.

(b)-(c) [Reserved]

(d) *Action on pleadings filed in cases or matters which are before the Board.* The Review Board shall act on all pleadings filed in cases or matters which are before the Board.

[29 FR 6443, May 16, 1964, as amended at 35 FR 17333, Nov. 11, 1970; 37 FR 19372, Sept. 20, 1972; 41 FR 14870, Apr. 8, 1976]

§ 0.367 Record of actions taken.

The official record of all actions taken by the Review Board pursuant to § 0.361 or § 0.365 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974]

CHIEF, OFFICE OF OPINIONS AND REVIEW

§ 0.371 Authority delegated.

The Chief, Opinions and Review, is delegated authority to act upon the following matters in hearing proceedings which are pending before the Commission en banc:

(a) Motions or petitions for extension of time.

(b) Pleadings which are moot.

(c) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(d) To issue orders, in accordance with Commission instructions, specifying or changing the day or hour of oral argument and the time allowed a party for oral argument.

(e) Requests for permission to file pleadings in excess of the length prescribed by the provisions of this chapter. See §§ 1.48 and 1.204 of this chapter.

(f) Unopposed motion by any party for dismissal or withdrawal of his own pleading.

(g) Petitions for leave to amend applications where no objection is raised to the acceptance of the amendment.

(h) To issue orders, as appropriate, requesting the filing of further pleadings.

(i) Pleadings which may be dismissed due to procedural defect, subject to being refiled in proper form within five days.

(j) To dismiss, as repetitious, any petition for reconsideration of a Commission order denying an application for review which fails to rely on new facts or changed circumstances.

[33 FR 8228, June 1, 1968, as amended at 33 FR 19181, Dec. 24, 1968; 35 FR 5689, Apr. 8, 1970; 39 FR 4571, Feb. 5, 1974; 41 FR 14871, Apr. 8, 1976; 41 FR 41091, Sept. 21, 1976; 44 FR 60294, Oct. 19, 1979]

§ 0.377 Record of actions taken.

The official record of all actions taken by the Chief, Office of Opinions and Review, pursuant to § 0.371 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974, as amended at 40 FR 4423, Jan. 30, 1975]

DEFENSE AND EMERGENCY PREPAREDNESS DELEGATIONS

§ 0.381 Defense Commissioner.

The authority delegated to the Commission under Executive Order 11490 is redelegated to the Defense Commissioner.

[41 FR 31210, July 27, 1976]

§ 0.383 Emergency Relocation Board.

(a) During any period in which the Commission is unable to function because of the circumstances set forth in § 0.186(a), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner, as if made or taken by the Commission.

[28 FR 12402, Nov. 22, 1963, as amended at 33 FR 8228, June 1, 1968]

§ 0.387 Other defense and emergency preparedness delegations; cross reference.

(a) For authority of the Chief of the Broadcast Bureau to issue National Defense Emergency Authorizations, see §§ 0.281(h) and 1.502.

(b) For authority of the Chief and Deputy Chief of the Field Operations Bureau to declare a general communications emergency, see § 0.311

[28 FR 12411, Nov. 22, 1963, as amended at 40 FR 17254, Apr. 18, 1975]

Subpart C—General Information

GENERAL

§ 0.401 Location of Commission offices.

(a) The main offices of the Commission are located at 1919 M Street NW., Washington, D.C.

(1) Documents submitted by mail to those offices should be addressed to:

Federal Communications Commission, Washington, D.C. 20554.

(2) Hand-carried applications accompanied by a filing fee should be delivered to:

Fees Section, Office of Executive Director, 1919 M Street NW., Washington, DC.

(3) Other hand-carried documents should be delivered to The Secretary's Office, 1919 M Street NW., Washington, D.C.

(b) The Commission's laboratory is located north of Laurel, Md. The mailing address is:

Federal Communications Commission Laboratory, Post Office Box 40, Laurel, Md. 20810.

(c) The locations of the field offices of the Field Operations Bureau are listed in § 0.121

(d) The locations of the field offices of the Common Carrier Bureau are listed in § 0.94.

(e) The Commission also maintains offices at Gettysburg, Pennsylvania.

(1) The mailing address of the Gettysburg section of the Data Processing Center, and the Gettysburg Processing Section of the Amateur and Citizens Facilities Branch is:

Federal Communications Commission, 334 York Street, Gettysburg, Pa. 17325.

(2) The mailing address of the International Telecommunications Section of the Finance Branch is:

Federal Communications Commission, P.O. Box IT-70, Gettysburg, Pa. 17325

(f) The location of the field offices of the Office of Emergency Communications are listed in § 0.184(c).

(g) A Regional Spectrum Management Center is located in Chicago, Ill. The mailing address for this office is:

Federal Communications Commission, Regional Spectrum Management Center, 219 South Dearborn Street, Chicago, IL 60604.

[28 FR 12411, Nov. 22, 1963, as amended at 29 FR 14666, Oct. 28, 1964; 32 FR 12795, Sept. 7, 1967; 32 FR 20860, Dec. 28, 1967; 36 FR 8154, Apr. 30, 1971; 36 FR 15121, Aug. 13, 1971; 36 FR 19439, Oct. 6, 1971; 40 FR 17254, Apr. 18, 1975; 40 FR 51441, Nov. 5, 1975]

§ 0.403 Office hours.

The main offices of the Commission are open from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

[42 FR 63788, Dec. 20, 1977]

§ 0.405 Statutory provisions.

The following statutory provisions, among others, will be of interest to persons having business with the Commission:

(a) The Federal Communications Commission was created by the Communications Act of 1934, 48 Stat. 1064, June 19, 1934, as amended, 47 U.S.C. 151-609.

(b) The Commission exercises authority under the Submarine Cable Landing Act, 42 Stat. 8, May 27, 1921, 47 U.S.C. 34-39. See section 5 of Executive Order 10530, 19 FR 2709, May 10, 1954, as amended, 3 CFR 1965 ed., p. 463.

(c) The Commission exercises authority under the Communications Satellite Act of 1962, 76 Stat. 419, August 31, 1962, 47 U.S.C. 701-744.

(d) The Commission operates under the Administrative Procedure Act, 60 Stat. 237, June 11, 1946, as amended, originally codified as 5 U.S.C. 1001-1011. Pursuant to Pub. L. 89-554, September 6, 1966, 80 Stat. 378, the provisions of the Administrative Procedure Act now appear as follows in the Code:

Administrative Procedure Act	5 U.S.C
Sec. 2-9	551-558
Sec. 10	701-706
Sec. 11	3105, 7521, 5362, 1305
Sec. 12	559

[32 FR 10570, July 19, 1967]

§ 0.406 The rules and regulations.

Persons having business with the Commission should familiarize themselves with those portions of its rules and regulations pertinent to such business. All of the rules have been published and are readily available. See §§ 0.411(b), 0.412, and 0.415. For the benefit of those who are not familiar with the rules, there is set forth in this section a brief description of their format and contents.

(a) *Format.* The rules are set forth in the Code of Federal Regulations as Chapter I of Title 47. Chapter I is divided into parts numbered from 0-99. Each part, in turn, is divided into numbered sections. To allow for the addition of new parts and sections in logical sequence, without extensive renumbering, parts and sections are not always numbered consecutively. Thus, for example, Part 2 is followed by Part 5, and § 1.8 is followed by § 1.10; in this case, Parts 3 and 4 and § 1.9 have been reserved for future use. In numbering sections, the number before the period is the part number; and the number after the period locates the section within that part. Thus, for example, § 1.1 is the first section of Part 1 and § 5.1 is the first section in Part 5. Except in the case of accounting regulations (Parts 31-35), the period should not be read as a decimal point; thus, § 1.511 is not located between § 1.51 and § 1.52 but at a much later point in the rules. In citing the Code of Federal Regulations, the citation, 47 CFR 5.1, for example, is to § 5.1 (in Part 5) of Chapter I of Title 47 of the Code, and permits the exact location of that rule. No citation to other rule units (e.g., subpart or chapter) is needed.

(b) *Contents.* Parts 0-19 of the rules have been reserved for provisions of a general nature. Parts 20-69 of this chapter have been reserved for provisions pertaining to common carriers. Parts 70-79 have been reserved for provisions pertaining to broadcasting and cable television. Parts 80-99 of this chapter have been reserved for provisions pertaining to the Safety and Special Radio Services. In the rules pertaining to common carriers, Parts 21, 23, and 25 of this chapter pertain to the use of radio; Parts 31-66 of this chapter pertain primarily to telephone and telegraph companies. Persons having business with the Commission will find it useful to consult one or more of the following parts containing provisions of a general nature in addition to the rules of the radio or wire communication service in which they are interested:

(1) *Part 0, Commission organization.* Part 0 describes the structure and functions of the Commission, lists delegations of authority to the staff, and sets forth information designed to assist those desiring to obtain information from, or to do business with, the Commission. This Part is designed, among other things, to meet certain of the requirements of the Administrative Procedure Act, as amended.

(2) *Part 1, practice and procedure.* Subpart A of Part 1 contains the general rules of practice and procedure. Except as expressly provided to the contrary, these rules are applicable in all Commission proceedings and should be of interest to all persons having business with the Commission. The subpart also contains certain other miscellaneous provisions. Subpart B contains the procedures applicable in formal hearing proceedings (see § 1.201). Subpart C contains the procedures followed in making or revising the rules and regulations. Subpart D contains rules applicable to applications for licenses in the Broadcast Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Subpart E contains general rules and procedures applicable to common carriers. Additional procedures applicable to certain common carriers by radio are set forth in Part 21. Subpart F contains rules applicable to applications for licenses in the Private Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Subpart G contains rules pertaining to application filing fees. Subpart H, concerning ex parte presentations, sets forth standards governing communication with Commission personnel in hearing proceedings and contested application proceedings. Subparts G and H will be of interest to all applicants, and Subpart H will, in addition, be of interest to all persons involved in hearing proceedings.

(3) *Part 2, frequency allocations and radio treaty matters; general rules and regulations.* Part 2 will be of interest to all persons interested in the use of radio. It contains definitions of technical terms used in the rules and regulations; provisions governing the allocation of radio frequencies among the numerous uses made of radio (e.g., broadcasting, land mobile) and radio services (e.g., television, public safety), including the Table of Frequency Allocations (§ 2.106); technical provisions dealing with emissions; provisions dealing with call signs and emergency communications; provisions governing type acceptance and type approval of radio equipment; and a list of treaties and other international agreements pertaining to the use of radio.

(4) *Part 5, experimental radio services (other than broadcast).* Part 5 deals with the temporary use of radio frequencies for research in the radio art, for communication involving other research projects, and for the development of equipment, data, or techniques.

(5) *Part 13, commercial radio operators.* Part 13 describes the procedures to be followed in applying for a commercial operator license, including the forms to be used and the examinations given, and sets forth rules governing licensed operators. It will be of interest to applicants for such licenses, licensed operators, and the licensees of radio stations which may be operated only by persons holding a commercial radio operator license.

(6) *Part 15, radio frequency devices.* Part 15 contains regulations designed

to prevent harmful interference to radio communication from radio receivers and other devices which radiate radio frequency energy, and provides for the certification of radio receivers. It also provides for the certification of low power transmitters and for the operation of certificated transmitters without a license.

(7) *Part 17, construction, marking, and lighting of antenna structures.* Part 17 contains criteria for determining whether applications for radio towers require notification of proposed construction to the Federal Aviation Administration, and specifications for obstruction marking and lighting of antenna structures.

(8) *Part 18, industrial, scientific and medical equipment.* Part 18 contains regulations designed to prevent harmful interference to radio communication from ultrasonic equipment, industrial heating equipment, medical diathermy equipment, radio frequency stabilized arc welders, and other equipment which uses radio energy for purposes other than communication.

(9) *Part 19, employee responsibilities and conduct.* Part 19 prescribes standards of conduct for the members and staff of the Commission.

[32 FR 10571, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 37 FR 20553, Sept. 30, 1972; 44 FR 39180, July 5, 1979]

PRINTED PUBLICATIONS

SOURCE: 32 FR 10571, July 19, 1967, unless otherwise noted.

§ 0.411 General reference materials.

The following reference materials are available in many libraries and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402:

(a) *Statutory materials.* Laws pertaining to communications are contained in Title 47 of the United States Code. Laws enacted since the printing of the last supplement to the Code are printed individually as slip laws, and these are compiled chronologically in the United States Statutes at Large. The Acts of Congress from 1910-62 pertaining to radio have been compiled in a single volume, Radio Laws of the United States (1962 ed.). See §§ 0.405 and 0.414.

(b) *Regulatory materials*—(1) *The Code of Federal Regulations.* The rules and regulations of the Commission are contained in Chapter I of Title 47 of the Code of Federal Regulations. Chapter I is divided into the following 4 subchapters, which may be purchased separately: Subchapter A—General; Subchapter B—Common Carrier Services; Subchapter C—Broadcast Radio Services; and Subchapter D—Private Radio Services. Most persons will find that they need Subchapter A, containing the general rules, and one of the other volumes, depending upon their area of interest. These four volumes are revised annually to reflect changes in the rules. See §§ 0.406, 0.412, and 0.415. The Code of Federal Regulations is fully indexed and contains numerous finding aids. See 1 CFR Appendix C.

(2) *The Federal Register.* As rules are adopted, amended, or repealed, the changes are published in the FEDERAL REGISTER, which is published daily except on days following legal holidays. Notices of proposed rule making, other rule making documents, statements of general policy, interpretations of general applicability, and other Commission documents having general applicability and legal effect are also published in the FEDERAL REGISTER. THE FEDERAL REGISTER is fully indexed and contains numerous finding aids. See 1 CFR Appendix C.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

§ 0.413 The Commission's printed publications.

The Commission's printed publications are described in §§ 0.414-0.420. These publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Commission does not furnish copies of these publications but will furnish a price list (Administration Bulletin No. 1) upon request. Requests for copies of that list should be directed to the Office of Public Affairs, Federal Communications Commission, Washington, D.C. 20554.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

§ 0.414 The Communications Act and other statutory materials.

This publication, with packets of revised pages, contains the Communications Act of 1934, with amendments through 1964; the Administrative Procedure Act, with amendments through 1964; the Judicial Review Act; the Communications Satellite Act of 1962; and selected sections of the Criminal Code pertaining to communications. It also contains indexes to the Communications Act and the Administrative Procedure Act. Persons who do not have ready access to the United States Code, or who refer frequently to these materials, may find this volume to be useful.

§ 0.415 The rules and regulations (looseleaf service).

(a) In this service, the rules are divided into 10 volumes, each containing several related parts. Each volume may be purchased separately from the Superintendent of Documents. The purchase price for a volume includes a subscription to replacement pages reflecting changes in the rules contained therein until such time as the volume is revised. Each volume is revised periodically, depending primarily on the frequency with which the rules it contains have been amended. When a volume is revised, the revised volume and replacement pages therefor will be furnished to those who renew their subscriptions.

(b) Subpart CC of Part 83 (*How to Use Your VHF Marine Radio*), Part 95—Subpart A (General Mobile Radio Services Rules and Regulations), Part 95—Subpart C (Radio Control Service Rules and Regulations), Part 95—Subpart D (Citizens Band Radio Service Rules and Regulations), Part 95—Subpart E (Technical Regulations Personal Radio Services), Part 97 (Amateur Radio Service), and Part 99 (Disaster Communications Service) are not included in the loose-leaf service, but instead available as separate pamphlets from the Superintendent of Documents. These pamphlets are revised annually or as required.

[41 FR 21449, May 26, 1976, as amended at 45 FR 49935, July 28, 1980]

§ 0.416 The Federal Communications Commission Reports.

All documents currently adopted by the Commission having precedential or historical significance are published in the FCC Reports. The FCC Reports are published weekly in pamphlet form. The pamphlets are available on a subscription basis, and are subsequently compiled and published in bound volumes. Earlier volumes contain Commission decisions and reports but are less comprehensive than those currently being published. Supplements (to those earlier volumes) containing additional documents having precedential or historical significance will be issued from time to time. Current bound volumes contain indexes, tables of cases and other finding aids.

§ 0.417 The Annual Reports.

At the end of each fiscal year, the Commission publishes an Annual Report containing general information concerning the Commission and the history of regulation, a summary of developments during the year, and selected industry statistics.

§ 0.420 Other Commission publications.

The following additional Commission publications may be purchased from the Superintendent of Documents:

(a) Statistics of Communications Common Carriers.

(b) Figure M-3, Estimated AM Ground Conductivity of the United States (set of two maps).

(c) Television Network Program Procurement Report, 2d Interim Report, Part 2, by the Office of Network Study.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

FORMS AND DOCUMENTS AVAILABLE UPON REQUEST

§ 0.421 Application forms.

All forms for use in submitting applications for radio authorization, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the field offices listed in § 0.121. For information concerning the forms to be used and filing requirements, see Subparts D, E, F, and G, of Part 1 of this chapter and the appropriate substantive rules.

[40 FR 17254, Apr. 18, 1975]

§ 0.422 Current action documents and public notices.

A limited number of copies of the text of documents adopted by the Commission, public notices of Commission actions, and other public releases is made available at the Press and News Media Division when they are issued. Back issues of public releases are available for inspection in this office.

(47 U.S.C. 154, 155, 303)

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

§ 0.423 Information bulletins.

A number of bulletins containing information about communications and the Federal Communications Commission have been prepared by the Commission for distribution to the public. A listing of these bulletins is included in ED Bulletin No. 1, "FCC Publications". Requests for bulletins should be directed to the Press and News Media Division.

(47 U.S.C. 154, 155, 303)

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

LISTS CONTAINING INFORMATION COMPILED BY THE COMMISSION

§ 0.431 The FCC Service Frequency Lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, personal (except General Mobile Radio Service), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and, in Washington, D.C., in the Office of Science and Technology. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

[42 FR 8326, Feb. 9, 1977, as amended at 44 FR 39180, July 5, 1979]

§ 0.432 The NARBA List.

Pursuant to the North American Regional Broadcast Agreement and the United States/Mexican Agreement, appropriate countries are notified of standard broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every 6 months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA list. These lists are available for public examination at each of the Commission's Field Operations Bureau field offices (see § 0.121), and in Washington, D.C. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

[40 FR 17254, Apr. 18, 1975]

§ 0.433 The Radio Equipment Lists.

Lists of type approved and type accepted equipment (the radio equipment lists) are prepared periodically by the Commission. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and in the Office of Science and Technology. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

[40 FR 17255, Apr. 18, 1975, as amended at 44 FR 39180, July 5, 1979]

§ 0.434 Lists of authorized broadcast stations and pending broadcast applications.

Periodically the FCC prepares lists containing information about authorized broadcast stations, pending applications for such stations, and rulemaking proceedings involving amendments to the Tables of Assignments. These lists, which are prepared from the FCC's engineering data bases, contain frequencies, station locations, and other particulars. They are available for public inspection at the FCC's Public Reference Room, Washington, D.C. Copies of the lists may be purchased from the FCC's duplicating contractor. See § 0.465(a). Copies of the data bases may be obtained from: National Technical and Information Service, Springfield, Virginia 22161, (703) 557-4660.

(a) For AM broadcast stations, the lists are arranged as follows:

(1) Pending construction permit applications for new stations and changes in existing facilities. There is one list arranged by frequency, one by state and city, and one by file number. Complete lists are prepared approximately every two weeks.

(2) There is currently no list of authorized stations available.

(3) See also § 0.432, The NARBA List.

(b) For FM broadcast stations, the lists are arranged as follows:

(1) Authorized stations, pending construction permit applications, proposed rulemakings, vacant channels, and translators. There is one list available by state and city, and another list by frequency. Complete lists are prepared approximately once a month with updates each week.

(2) Vacant assignments and applications therefor. The list is in order by state and city. Complete lists are prepared approximately once a month; there are no updates.

(c) For TV stations, the lists are arranged as follows:

(1) Authorized stations, pending construction permit applications, proposed rulemakings, and vacant channels in order of state and city. A complete list is prepared approximately once a month, with updates approximately each week.

(2) Vacant assignments and applications therefor. The list is in order by state and city. Complete lists are prepared approximately once a month; there are no updates.

(d) For TV broadcast translator stations, the lists contain authorized stations and pending construction permit applications for new stations and changes in existing facilities. There is one list arranged in order by state, city, and channel; and another list arranged in order by state, channel, and call. Complete lists are prepared approximately once a month, with updates each week.

(e) Users of the lists are cautioned that the data bases are unofficial listings. They have been prepared for the convenience of the FCC's staff, and should not be relied on by the public because in some instances the lists may not agree with the primary sources of information (*e.g.*, official license documents, international notifications, actual applications, and the like). Action by the public, such as the filing of applications, should be based on the primary sources of information and not on the lists. If there are discrepancies between the lists and the primary sources of information the latter control. Any error discovered in the lists should be brought to the attention of: Federal Communications Commission, Broadcast Bureau—Data Base Management Staff, Washington, D.C. 20554.

(f) The United States and its officers, agents and employees shall not be responsible or liable for any loss, expense or damage arising from or incident to the use of the lists by the public.

[45 FR 41151, June 18, 1980]

PUBLIC INFORMATION AND INSPECTION OF RECORDS

SOURCE: 32 FR 10573, July 19, 1967, unless otherwise noted.

§ 0.441 General.

Any person desiring to obtain information may do so by writing or coming in person to any of the Commission's offices. A broader range of information and more comprehensive information facilities are available at the Commission's main office in Washington, D.C., however, and inquiries of a general nature should ordinarily be submitted to that office.

§ 0.442 Disclosure to other Federal government agencies of information submitted to the Commission in confidence.

(a) The disclosure of records to other federal government agencies is generally governed by 44 U.S.C. 3512 and 3508(a) rather than the Freedom of Information Act. The acceptance of materials in confidence under § 0.457 or § 0.459 does not provide assurance against their disclosure to other agencies.

(b) Information submitted to the Commission in confidence pursuant to § 0.457(c) (2) and (3), (d) and (g) or § 0.459 will be disclosed to other agencies of the federal government upon request: *Provided* (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law.

(c) The Commission's staff may give assurances against disclosure of information to other federal agencies only with the prior written approval of the General Counsel. In no event will assurance against disclosure to other agencies be given in advance of submission of the information to the Commission if submission is required by statute or by the provisions of this chapter; but the notice provisions of paragraph (d) of this section will apply to such information.

(d)(1) Except as provided in paragraph (d)(2) of this section a party who furnished records to the Commission in confidence will be notified at the time that the request for disclosure is submitted and will be afforded 10 days in which to oppose disclosure.

(2) If the agency requesting the records states to the satisfaction of the Commission that notice to the party who furnished the records to the Commission will interfere unduly with its law enforcement activities and further states that it will notify that party of the Commission's disclosure once the potential for such interference is eliminated, the Commission will not give notice of disclosure.

(3) If notice is given to the party who furnished the records to the Commission in confidence and disclosure is not opposed, the staff is authorized to make the records available to the agency which requested them.

(4) If disclosure is opposed and the Commission decides to make the records available to the other agency, the party who furnished the records to the Commission will be afforded ten (10) working days from the date of the ruling in which to move for a judicial stay of the Commission's action. If he does not move for stay within this period, the records will be disclosed.

(e) Nothing in this section is intended to govern disclosure of information to Congress.

[44 FR 55573, Sept. 27, 1979; 44 FR 57096, Oct. 4, 1979]

§ 0.443 General information office.

The Press and News Media Division is located at 1919 M Street NW., Washington, D.C. Here the public may obtain copies of public notices of Commission actions, formal documents adopted by the Commission and other public releases as they are issued. Back issues of public releases are available for inspection in this office. Copies of fact sheets which answer general questions about the Commission may be obtained from this office.

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

§ 0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.

(a) All opinions and orders of the Commission (including concurring and dissenting opinions) are mailed to the parties and, as part of the record, are available for inspection in accordance with §§ 0.453 and 0.455.

(b) All final decisions and other documents currently adopted by the Commission having precedential or historical significance are published in the FCC Reports. Older materials of this nature are either published in the FCC Reports or are in the process of being published. In the event that such other materials are not yet published in the FCC Reports, reference should be made to Pike and Fischer Radio Regulations. See §§ 0.412(a) and 0.416.

(c) All rule making documents are published in the FEDERAL REGISTER. See § 0.411(b)(2).

(d) Formal policy statements and interpretations designed to have general applicability and legal effect are published in the FEDERAL REGISTER and the FCC Reports. See §§ 0.411(b)(2) and 0.416. Commission decisions and other Commission documents not entitled formal policy statements or interpretations may contain substantive interpretations and statements regarding policy, and these are published as part of the document in the FCC Reports. General statements regarding policy and interpretations furnished to individuals, in correspondence or otherwise, are not ordinarily published. A series of individual interpretations may be collected and published in the FEDERAL REGISTER and the FCC Reports.

(e) If the documents described in paragraphs (a)-(d) of this section are published in the FEDERAL REGISTER, the FCC Reports, or Pike and Fischer Radio Regulations, they may be relied upon, used or cited as precedent by the Commission or private parties in any matter. If they are not so published, they may not be relied upon, used or cited as precedent, except against persons who have actual notice of the document in question or by such persons against the Commission. No person is expected to comply with any requirement or policy of the Commission unless he has actual notice of that requirement or policy or unless a document stating it has been published as provided in this paragraph. Nothing in this paragraph, however, shall be construed as precluding a reference to the rationale set forth in a recent document which is pending publication if the requirement or policy to which the rationale relates is contained in a published document or if actual notice of that requirement or policy has been given.

(f) The FEDERAL REGISTER, the FCC Reports, and Pike and Fischer Radio Regulations are indexed. If the documents described in paragraphs (a)-(d) of this section are not published, they are neither indexed nor relied upon, except as provided in paragraph (e) of this section.

(g) There are two Commission staff manuals, the FCC Administrative Manual and the FOB Manual. The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Executive Director. Portions of the FOB Manual which pertain to administrative matters are available for inspection in the Field Operations Bureau. Portions of the FOB Manual which pertain to enforcement matters are not available for inspection. The Manuals are not indexed but are organized by subject, with tables of contents, and the materials contained therein can be located without difficulty.

(h) Subparts A and B of this part describe the functions of the staff and list the matters on which authority has been delegated to the staff. Except as provided in paragraph (g) of this section, all general instructions to the staff and limitations upon its authority are set forth in those subparts. As part of the Commission's rules and regulations, the provisions of these subparts are indexed in the FEDERAL REGISTER and the Code of Federal Regulations. Instructions to the staff in particular matters or cases are privileged and are not published or made available for public inspection.

(i) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes any document described in this section. The justification for any such deletion will be fully explained in a preamble to the document.

[32 FR 10573, July 19, 1967, as amended at 40 FR 17255, Apr. 18, 1975]

§ 0.451 Inspection of records: Generally.

(a) *Records which are routinely available for public inspection.* Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Procedures governing requests for inspection of such records are set out in § 0.460.

(b) *Records which are not routinely available for public inspection.* Records which are not listed in § 0.453 or § 0.455 are not routinely available for public inspection. Such records fall into two categories.

(1) The first category consists of those records or kinds of records listed in § 0.457 and of particular records withheld from public inspection under § 0.459. The Commission has determined that there is a statutory basis for withholding these records from public inspection. In some cases, the Commission is prohibited from permitting the inspection of records. In other cases, the records are the property of another agency, and the Commission has no authority to permit their inspection. In still other cases, the Commission is authorized, for reason of policy, to withhold records from inspection, but is not required to do so.

(2) The second category consists of records which are not listed in § 0.453, § 0.455, or § 0.457 and have not been withheld from inspection under § 0.459. In some cases, these records have not been identified for listing. In other cases (e.g., the general correspondence files), the Commission is unable to determine either that all records in a class should be routinely available for inspection or that all records in that class should not be routinely available for inspection, and individual determination is required.

(3) Procedures governing requests for inspection of these records are set out in § 0.461.

(4) Procedures governing demands by competent authority for inspection of these records are set out in § 0.463.

(5) Except as provided in §§ 0.461 and 0.463, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for public inspection under § 0.453 or § 0.455, or disclose information contained therein.

(c) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §§ 0.453 and 0.455 and those which are made available for inspection under § 0.461. Section 0.467 applies to requests for certified copies of Commission records.

(d) *Search fees.* Section 0.466 prescribes fees to cover the expense of searching for records made available for inspection under § 0.460 or § 0.461.

[40 FR 7313, Feb. 19, 1975]

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, D.C.:

(a) *The Broadcast and Dockets Reference Room.* The following documents, files and records are available for inspection at this location:

(1) Files containing the record of all docketed cases. A file is maintained for each docketed hearing case and for each docketed rule making proceeding. Cards summarizing the history of such cases are available for inspection in the Dockets Branch.

(2) Broadcast applications and related files.

(3) Files containing petitions for rule making and related papers.

(4) Rulings under the fairness doctrine and section 315 of the Communications Act, and related materials.

(b) [Reserved]

(c) *The Library.* Various legal and technical publications, and legislative history compilations, related to communications are available for inspection in the Library.

(d) *The Cable Television Reference Room.* The following documents and files are available for inspection at this location:

(1) Applications for certificates of compliance and related files;

(2) Petitions for special relief, requests for show cause orders, and related files;

(3) Applications for authorizations in the Cable Television Relay Service.

[32 FR 10573, July 19, 1967, as amended at 36 FR 15121, Aug. 13, 1971; 37 FR 20553, Sept. 30, 1972; 46 FR 27655, May 21, 1981]

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453, 0.457 and 0.459, records are routinely available for inspection in the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those offices upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Office and examples of the records available at each is set out below.

(a) *Office of Science and Technology.* (1) Experimental application and license files.

(2) The Master Frequency Records.

(3) Applications for equipment authorization (type acceptance, type approval, certification, or advance approval of subscription television systems), following the effective date of the authorization. See § 0.457(d)(1)(ii). (Application files are maintained at the Commission's Laboratory in Laurel, Maryland).

(b) *Broadcast Bureau.* (1) Applications for broadcast authorizations and related files are available for public inspection in the Broadcast and Dockets Reference Room. See § 0.453(a)(2). Certain broadcast applications, reports and records are also available for inspection in the community in which the main studio of the station in question is located or proposed to be located. See § 1.526 of this chapter.

(2) Ownership reports filed by licensees of broadcast stations pursuant to § 1.615 of this chapter.

(3) Contracts relating to network service filed on or after the 1st day of May 1969, under § 1.613 of this chapter.

(4) Annual employment report filed by licensees and permittees of broadcast stations pursuant to § 1.612 of this chapter.

(c) *Common Carrier Bureau.* (1) Annual reports filed by carriers and certain affiliates under § 43.21 of this chapter.

(2) Monthly reports filed by carriers under § 43.31 of this chapter.

(3) Reports on pensions and benefits filed by carriers under § 43.42 of this chapter.

(4) Reports of proposed changes in depreciation rates filed by carriers under § 43.43 of this chapter.

(5) Reports regarding division of international telegraph communication charges filed under § 43.53 of this chapter.

(6) Reports regarding services performed by telegraph carriers filed under § 43.54 of this chapter.

(7) Reports of public coast station operators filed under § 43.71 of this chapter.

(8) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See § 0.457(c)(2).

(9) A list of other reports filed by common carriers.

(10) Contracts and other arrangements filed under § 43.51 and reports of negotiations regarding foreign communication matters filed under § 43.52 of this chapter, except for those kept confidential by the Commission pursuant to section 412 of the Communications Act. See § 0.457(c)(3).

(11) Tariff schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act, all documents filed in connection therewith, and all communications related thereto.

(12) All applications for common carrier authorizations, both radio and nonradio, and files relating thereto.

(13) All formal and informal complaints against common carriers filed under §§ 1.711-1.735 of this chapter, all documents filed in connection therewith, and all communications related thereto.

(14) Files relating to submarine cable landing licenses, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of the Communications Act. See § 0.457 (c)(1)(i).

(15) Annual Employment Report filed by common carrier licensees or

permittees pursuant to § 1.815 of this chapter.

(d) *Private Radio Services.* All authorizations in the Private Radio Services and files relating thereto. These materials are all available at the Commission's offices in Gettysburg, Pennsylvania.

(e) *Field Operations Bureau.* (1) Commercial radio operator application files. See, however, § 0.457(f)(3).

(2) Files pertaining to the certification of plants or equipment under Part 18 of this chapter.

(f) *Office of Executive Director.* (1) All minutes of Commission actions, containing a record of all final votes, except for minutes of actions and classified matters and internal management matters as provided in § 0.457(b)(1) and (c)(1)(ii). These minutes are available for inspection in the Minute and Rules Branch.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Minute and Rules Branch.

(3) See § 0.443.

(g) [Reserved]

(h) *The Commission's offices in Gettysburg, Pennsylvania.*

(i) *Cable Television Bureau.* (1) Annual reports submitted for cable television systems pursuant to § 76.401 of this chapter;

(2) Annual employment reports submitted for cable television systems pursuant to § 76.409 of this chapter.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[32 FR 10573, July 19, 1967, as amended at 34 FR 5949, Mar. 29, 1969; 35 FR 8827, June 6, 1970; 35 FR 12894, Aug. 14, 1970; 36 FR 15121, Aug. 13, 1971; 37 FR 5386, Mar. 15, 1972; 37 FR 20554, Sept. 30, 1972; 40 FR 17255, Apr. 18, 1975; 40 FR 34116, Aug. 14, 1975; 44 FR 39180, July 5, 1979; 46 FR 27655, May 21, 1981]

§ 0.457 Records not routinely available for public inspection.

The records listed in this section are not routinely available for public inspection. The records are listed in this section by category, according to the statutory basis for withholding those records from inspection; and under each category, if appropriate, the underlying policy considerations affecting the withholding and disclosure of records in that category are briefly outlined. Except where the records are not the property of the Commission or where the disclosure of those records is prohibited by law, the Commission will entertain requests from members of the public under § 0.461 for permission to inspect particular records withheld from inspection under the provisions of this section, and will weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in the light of the facts of the particular case. In making such requests, it is important to appreciate that there may be more than one basis for withholding particular records from inspection. The listing of records by category is not intended to imply the contrary but is solely for the information and assistance of persons making such requests. Requests to inspect or copy the transcripts, recordings or minutes of agency or advisory committee meetings will be considered under § 0.603 rather than under the provisions of this section.

(a) *Materials that are specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, 5 U.S.C. 552(b)(1).* (1) E.O. 10450, "Security Requirements for Government Employees," 18 FR 2489, April 27, 1953, 3 CFR, 1949-1953 Comp., p. 936. Pursuant to the provisions of E.O. 10450, reports and other material and information developed in security investigations are the property of the investigative agency. If they are retained by the Commission, it is required that they be maintained in confidence and that no access be given to them without the consent of the investigative agency. Such materials and information will not be made available for public inspection. See also paragraphs (f) and (g) of this section.

(2) E.O. 10501, "Safeguarding Official Information in the Interests of the Defense of the United States," 18 FR 7049, November 10, 1953, as

amended, 3 CFR, 1965 ed., p. 450. E.O. 10501, as amended, provides for the classification of official information which requires protection in the interests of national defense, and prohibits the disclosure of classified information except as provided therein. Classified materials and information will not be made available for public inspection. See also, E.O. 10033, February 8, 1949, 14 FR 561, 3 CFR, 1949-1953 Comp., p. 226, and 47 U.S.C. 154(j).

(b) *Materials that are related solely to the internal personnel rules and practices of the Commission, 5 U.S.C. 552(b)(2).* (1) Materials related solely to internal management matters, including minutes of Commission actions on such matters. Such materials may be made available for inspection under § 0.461, however, unless their disclosure would interfere with or prejudice the performance of the internal management functions to which they relate, or unless their disclosure would constitute a clearly unwarranted invasion of personal privacy (see paragraph (f) of this section).

(2) Materials relating to the negotiation of contracts.

(3) All materials used in conducting radio operator examinations, including test booklets, Morse Code tapes, and scoring masks.

(c) Materials that are specifically exempted from disclosure by statute (other than the Government in the Sunshine Act, 5 U.S.C. 552b): *Provided,* That such statute (1) requires that the materials be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of materials to be withheld. The Commission is authorized under the following statutory provisions to withhold materials from public inspection.

(1) Section 4(j) of the Communications Act, 47 U.S.C. 154(j), provides, in part, that, "The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense." Pursuant to that provision, it has been determined that the following materials should be withheld from public inspection (see also paragraph (a) of this section):

(i) Maps showing the exact location of submarine cables.

(ii) Minutes of Commission actions on classified matters.

(iii) Maps of nation-wide point-to-point microwave networks.

(2) Under section 213(f) of the Communications Act, 47 U.S.C. 213(f), the Commission is authorized to order, with the reasons therefor, that records and data pertaining to the valuation of the property of common carriers and furnished to the Commission by the carriers pursuant to the provisions of that section, shall not be available for public inspection. If such an order has been issued, the data and records will be withheld from public inspection, except under the provisions of § 0.461. Normally, however, such data and information is available for inspection. See § 0.455(c) (8).

(3) Under section 412 of the Communications Act, 47 U.S.C. 412, the Commission may withhold from public inspection certain contracts, agreements and arrangements between common carriers relating to foreign wire or radio communication. Reports of negotiations regarding such foreign communication matters, filed by carriers under § 43.52 of this chapter, may also be withheld from public inspection under section 412. Any person may file a petition requesting that such materials be withheld from public inspection. To support such action, the petition must show that the contract, agreement or arrangement relates to foreign wire or radio communications; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that the public interest would be served by keeping its terms confidential. If the Commission orders that such materials be kept confidential, they will be made available for inspection only under the provisions of § 0.461.

(4) Section 605 of the Communications Act, 47 U.S.C. 605, provides, in part, that, "no person not being authorized by the sender shall intercept any communication [by wire or radio] and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communi-

cations to any person." In executing its responsibilities, the Commission regularly monitors radio transmissions (see § 0.116). Except as required for the enforcement of the communications laws, treaties and the provisions of this chapter, or as authorized in section 605, the Commission is prohibited from divulging information obtained in the course of these monitoring activities; and such information, and materials relating thereto, will not be made available for public inspection.

(5) Section 1905 of the Criminal Code, 18 U.S.C. 1905, prohibits the unauthorized disclosure of certain confidential information. See paragraph (d) of this section.

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.* Section 552(b)(4) is specifically applicable to trade secrets and commercial or financial information but is not limited to such matters. Under this provision, the Commission is authorized to withhold from public inspection materials which would be privileged as a matter of law if retained by the person who submitted them, and materials which would not customarily be released to the public by that person, whether or not such materials are protected from disclosure by a privilege. See, Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pages 32-34.

(1) The materials listed in this subparagraph have been accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for non-disclosure pursuant to § 0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under § 0.461.

(i) Financial reports submitted by licensees of broadcast stations pursuant to § 1.611 of this chapter or by radio and television networks are not routinely available for public inspection. (Fees paid upon consummation of the assignment or transfer of a broadcast station license, pursuant to § 1.1111 of this chapter, are computed from information contained in financial reports submitted pursuant to § 1.611. Information and correspondence concerning such computations are not routinely available for public inspection.)

(ii) Applications for equipment authorizations (type acceptance, type approval, certification, or advance approval of subscription television systems), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request (see § 0.460).

(iii) Schedules 2, 3, and 4 of financial reports submitted for cable television systems pursuant to § 76.403 of this chapter.

(iv) Annual fee computation forms submitted for cable television systems pursuant to § 76.406 of this chapter.

(2) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for nondisclosure of certain materials would be honored. See, e.g., 47 CFR (1966 ed.) 0.417, 2.557, 5.204, 5.255, 15.70, 21.406, 81.506, 83.436, 87.153, 89.215, 91.208, 91.605 and 93.208. Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this subdivision were superseded by the provisions of this paragraph, effective July 4, 1967. Equipment authorization information accepted on a con-

fidential basis between July 4, 1967 and March 25, 1974, will not be routinely available for inspection and a persuasive showing as to the reasons for inspection of such information will be required in requests for inspection of such materials submitted under § 0.461.

(i) Unless the materials to be submitted are listed in paragraph (d)(1) of this section and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for non-disclosure pursuant to § 0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under § 0.461. In the absence of a request for non-disclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made available for inspection upon request pursuant to § 0.461, even though some question may be present as to whether they contain trade secrets or like matter.

(e) *Interagency and intra-agency memorandums or letters, 5 U.S.C. 552(b)(5).* Interagency and intra-agency memorandums or letters and the work papers of members of the Commission or its staff will not be made available for public inspection, except in accordance with the procedures set forth in § 0.461. Only if it is shown in a request under § 0.461 that such a communication would be routinely available to a private party through the discovery process in litigation with the Commission will the communication be made available for public inspection. Normally such papers are privileged and not available to private parties through the discovery process, since their disclosure would tend to restrain the commitment of ideas to writing, would tend to inhibit communication among Government personnel, and would, in some cases, involve premature disclosure of their contents.

(f) *Personnel, medical and other files whose disclosure would constitute a clearly unwarranted invasion of personal privacy, 5 U.S.C. 552(b)(6).* (1) Under Executive Order 10561, 19 FR 5963, September 13, 1954, 3 CFR 1954-1958 Comp., page 205, the Commission maintains an Official Personnel Folder for each of its employees. Such folders are under the jurisdiction and control, and are a part of the records, of the U.S. Office of Personnel Management. Except as provided in the rules of the Office of Personnel Management (5 CFR 294.701-294.703), such folders will not be made available for public inspection by the Commission. In addition, other records of the Commission containing private, personal or financial information concerning particular employees will be withheld from public inspection.

(2) [Reserved]

(3) Information submitted to the Commission by applicants for commercial radio operator licenses concerning the character and mental or physical health of the applicant is available for inspection only under procedures set forth in § 0.461. Except in this respect, or where other aspects of a similar private nature warrant nondisclosure, commercial radio operator application files are available for inspection.

(g) *Investigatory records compiled for law enforcement purposes, to the extent that production of such records would:*

(1) *Interfere with enforcement proceedings;*

(2) *Deprive a person of a right to fair trial or an impartial adjudication;*

(3) *Constitute an unwarranted invasion of personal privacy;*

(4) *Disclose the identity of a confidential source;*

(5) *Disclose investigative techniques or procedures; or*

(6) *Endanger the life or physical safety of law enforcement personnel, 5 U.S.C. 552(b)(7).*

[32 FR 10573, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 39 FR 5918, Feb. 14, 1974; 39 FR 27802, Aug. 1, 1974; 40 FR 7313, Feb. 19, 1975; 40 FR 17255, Apr. 18, 1975; 40 FR 34116, Aug. 14, 1975; 40 FR 39507, Aug. 28, 1975; 42 FR 12867, Mar. 7, 1977; 43 FR 51794, Nov. 7, 1978; 45 FR 39850, June 12, 1980]

§ 0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.

(a) Any person submitting information or materials to the Commission may submit therewith a request that such information not be made routinely available for public inspection. (If the materials are specifically listed in § 0.457, such a request is unnecessary.) A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from any materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified.

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see § 0.457) and of the facts upon which those reasons are based. If the request is that the materials be withheld from inspection for a limited period of time, that period shall be specified.

(c) Casual requests which do not comply with the requirements of paragraphs (a) and (b) of this section will not be considered.

(d) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be acted on by the appropriate Bureau or Office Chief, who is directed to grant the request only if it presents a clear and convincing case for non-disclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. If the request is granted, the ruling will be placed in a public file in lieu of the materials withheld from public inspection. A copy of the ruling shall be forwarded to the General Counsel.

(e) If the materials are submitted voluntarily (i.e., absent any direction by the Commission), the person submitting them may request the Commission to return the materials without consideration if the request for confidentiality should be denied. In that event, the materials will ordinarily be returned (e.g., an application will be returned if it cannot be considered on a confidential basis); only in the unusual instance where the public interest so requires will the materials be made available for public inspection. If submission of the materials is required by the Commission and the request for confidentiality is denied, the materials will be made available for public inspection.

(f) If no request for confidentiality is submitted, the Commission assumes no obligation to consider the need for non-disclosure but, in the unusual instance, may determine on its own motion that the materials should be withheld from public inspection. See § 0.457(g).

[40 FR 7313, Feb. 19, 1975]

§ 0.460 Requests for inspection of records which are routinely available for public inspection.

(a) Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Subject to the limitations set out in this section and to the provisions of § 0.466, a person who wants to inspect such records need only appear at the specified location and ask to see the records.

(b) A person who does not want a copy of the records must appear at the specified location during the office hours of the Commission and must inspect the records at that location. (Procedures governing requests for copies are set out in § 0.465.) However, arrangements may be made in advance, by telephone or by correspondence, to make the records available for inspection on a particular date, and there are many circumstances in which such advance arrangements will save inconvenience. If the request is for a large number of documents, for example, a delay in collecting them is predictable. Current records may be in use by the staff when the request is made. Older records may have been forwarded to another location for storage.

(c) The records in question must be reasonably described by the person requesting them so as to permit their location by staff personnel. The information needed to locate the records will vary, depending on the records requested. Advice concerning the kind of information needed to locate particular records will be furnished in advance upon request. Members of the public will not be given access to the area in which records are kept and will not be permitted to search the files.

(d) If it appears that there will be an appreciable delay in locating or producing the records (as where a large number of documents is the subject of a single request or where an extended search for a document appears to be necessary), the request shall be submitted in writing, either in person or by mail.

(e) Written requests shall be captioned "REQUEST FOR INSPECTION OF RECORDS", shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document. Written requests shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see § 0.466). If the specified maximum is reached before all of the records have been located, the search will be terminated, and the person making the request will be so notified.

(f) Written requests shall be delivered or mailed directly to the chief of the organizational unit having custody of the records, as listed in §§ 0.453 and 0.455. If the request is enclosed in an envelope, the envelope shall be marked, "REQUEST FOR INSPECTION OF RECORDS."

(g) When a written request is received by the custodian of the records, it will be date-stamped.

(h) All requests limited to records listed in §§ 0.453 and 0.455 will be granted. Requests for records listed in those sections shall not be combined with requests for other records.

(i) The records will be produced for inspection at the earliest possible time.

(j) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage and additional charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397)

[40 FR 7314, Feb. 19, 1975, as amended at 45 FR 85027, Dec. 24, 1980]

§ 0.461 Requests for inspection of materials not routinely available for public inspection.

Any person desiring to inspect Commission records which are not listed in § 0.453 or § 0.455 shall file a request for inspection meeting the requirements of this section.

(a) The records in question must be reasonably described by the person requesting them, so as to permit their location by staff personnel. See § 0.460(c).

(b)(1) Requests shall be captioned, "REQUEST FOR INSPECTION OF RECORDS", shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document.

(2) The request shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see § 0.466). If the specified maximum is reached before all of the records have been located, the search will be terminated and the person making the request will be so notified.

(c) If the records are of the kinds listed in § 0.457 or if they have been withheld from inspection under § 0.459, the request shall, in addition, contain a statement of the reasons for inspection and the facts in support thereof. In the case of other materials, no such statement need accompany the request; but the custodian of the records may require the submission of such a statement if he determines that the materials in question may lawfully be withheld from inspection.

(d)(1) Requests shall be delivered or mailed to the Executive Director, who will determine the identity of the custodian of the records and deliver the request to him. (For purposes of this section, the custodian of the records is the Chief of the appropriate Bureau or Office.)

(2) If the request is enclosed in an envelope, the envelope shall be marked, "REQUEST FOR INSPECTION OF RECORDS."

(3) An original and two copies of the request shall be submitted. If the request is for materials not open to routine public inspection under § 0.457(d) or § 0.459, one copy of the request will be mailed by the custodian of the records to the person who originally submitted the materials to the Commission.

(e) When the request is received by the Executive Director, it will be datestamped.

(f) Requests for inspection of records will be acted on as follows by the custodian of the records.

(1) If the Commission is prohibited from disclosing the records in question, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the records are the property of another agency, the request will be referred to that agency and the person who submitted the request will be so advised, with the reasons therefor.

(3) If it is determined that the Commission does not have authority to withhold the records from public inspection, the request will be granted.

(4) If it is determined that the Commission does have authority to withhold the records from public inspection, the considerations favoring disclosure and non-disclosure will be weighed in the light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

(5) If there is a statutory basis for withholding part of a document only from inspection, that part will be deleted and the remainder will be made available for inspection.

(g) The custodian of the records will make every effort to act on the request within 10 working days after it is received by the Executive Director. If it is not possible to locate the records and to determine whether they should be made available for inspection within 10 working days, the custodian may, in any of the following circumstances, extend the time for action by up to 10 working days:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission.

If these circumstances are not present or if it not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his rights and asked to consent to an extension or further extension. If he agrees to an extension, the custodian of the records will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he does not agree to an extension, the request will be denied, on the ground that the custodian has not been able to locate the records and/or to make the determination within the period for an initial ruling mandated by the Freedom of Information Act, 5 U.S.C. 552. In that event, the custodian will continue to search for and/or assess the records and will advise the person who made the request of further developments; but that person may file an application for review by the Commission. When action is taken by the custodian of the records, written notice of the action will be given.

(h) (1) If a request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is granted, an application for review of the action may be filed only by the person who submitted the records to the Commission. The application for review and the envelope containing it (if any) shall be captioned

"REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be filed within 10 working days after the date of the written ruling, shall be delivered or mailed to the General Counsel, and shall be served on the person who filed the request for inspection of records. The person who filed the request for inspection of records may respond to the application for review within 10 working days after it is filed. If an application for review is not filed within this period, the records will be produced for inspection.

(2) If the request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is partially granted and partially denied, the person who submitted the records to the Commission and the person who filed the request for inspection of those records may file an application for review within 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, he shall serve it on the other. Responses may be filed within 10 working days after the application(s) for review is filed. If both persons file, or if an application for review is filed only by the person who filed the request for inspection of records, the application(s) will be acted on within 20 working days after the application filed by the person who requested the records is filed. If an application for review is filed only by the person who submitted the records to the Commission, it will be acted on within 20 days after it is filed. The time for filing applications for review and responses may be reduced on notice, if necessary to act on the request within the 20 day period. If an application for review is not filed within this period by the person who submitted the records to the Commission, the partial grant will be implemented.

(3) If the application for review filed by either person is denied, that person will be notified and advised of his rights in writing.

(4) If an application for review filed by the person who submitted the records to the Commission is denied, or if records are made available on review which were not initially made available, the person who submitted the records to the Commission will be afforded 10 working days from the date of the written ruling in which to move for a judicial stay of the Commission's action. If he does not move for stay within this period, the records will be produced for inspection.

(5) Because of the statutory constraints imposed upon the Commission, no extensions of time will be granted to seek either Commission review or a judicial stay.

(i) Except as provided in paragraph (h) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application shall be filed within 30 days after the date of the written ruling by the custodian of the records, and shall be captioned, "REVIEW OF FREEDOM OF INFORMATION ACTION." The envelope (if any) shall also be so captioned. The application shall be delivered or mailed to the General Counsel and shall be served on the person (if any) who originally submitted the materials to the Commission. That person may file a response within 10 working days after the application for review is filed. If the records are made available on review, the person who submitted them to the Commission (if any) will be afforded 10 working days after the date of the written ruling to seek a judicial stay. See paragraph (h) of this section. (For general procedures relating to applications for review, see § 1.115 of this chapter.)

(j) [Reserved]

(k) The Commission will make every effort to act on an application for review of an action on a request for inspection of records within 20 working days after it is filed. See, however, paragraph (h)(2) of this section. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the General Counsel may, in the following circumstances and to the extent time has not been extended under paragraph (g) of this section, extend the time for action by up to 10 working days (The total period of extensions taken under this paragraph and under paragraph (g) of this section without the consent of the person who submitted the request shall not exceed 10 working days.):

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his rights and asked to consent to an extension or further extension. If he agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he does not agree to an extension, the Commission will continue to search for and/or assess the records and will advise the person who made the request of further developments; but that person may file a complaint in an appropriate United States district court.

(l) Subject to the application for review and judicial stay provisions of paragraphs (h) and (i) of this section, if the request is granted, the records will be produced for inspection at the earliest possible time.

(m) Staff orders and letters denying requests for inspection are signed by the official (or officials) who give final approval of their contents. If a request is denied by the Commission, notice of denial will set forth the names of the Commissioners participating in the decision.

(n) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397)

[40 FR 39507, Aug. 28, 1975, as amended at 40 FR 59439, Dec. 24, 1975; 45 FR 85028, Dec. 24, 1980]

§ 0.463 Demand by competent authority for the production of documents or testimony concerning information contained therein.

(a) In the event that a demand (subpoena, order or other demand) is made by a court or other competent authority outside the Commission, upon any officer or employee of the Commission for the production of records or files or for testimony concerning information contained therein, he shall promptly advise the Executive Director of such demand, the nature of the papers or information sought, and all other relevant facts and circumstances. The Commission will thereupon issue such instructions as it may deem advisable.

(b) Unless specifically authorized to produce such records or files or to testify with respect thereto, any officer or employee of the Commission who is served with a demand for the production of records or files or his testimony concerning the same, shall appear in response to the demand and respectfully decline to produce such records or files or to testify concerning them, basing his refusal upon this rule.

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission awards a contract to a commercial duplication firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of lowest overall cost and best service to the public. In addition to the cost of copying, the contractor may charge a research fee for extracting the requested documents from the Commission's files. The research fee charged by the Contractor shall be that price set forth in the latest contract. The Contractor's price may vary from the search fee imposed under Section 0.446(a) of this Part when a party requests inspection of records under the Freedom of Information Act. The contractor also provides self-service coin-operated photocopy machines in Commission reference rooms. Also, persons may make photocopies with their own equipment upon arrangements with the Procurement Branch.

NOTE: Currently, the Contractor is Downtown Copy Center, 1114 21st NW., Washington, D.C. 20037 (Tel. 202-452-1422). The current duplicating contract specifies a research charge of $10.00 per hour. The copying charges under the contract vary in accordance with quantity and speed of service. The duplication fee is 9 cents per page; the coin-operated copying machines are set by the Contractor at 10 cents per page (June 1980). Copies of the FCC Telephone Directory are also available from the contractor.

(b) The Commission annually awards a contract to a commercial firm to transcribe Commission proceedings in which a verbatim record is kept and to offer copies of the transcript for sale to the public. The contract is awarded on the basis of the lowest cost to the public and to the Commission. Except as authorized by the Commission, the firm is required to retain the capacity to furnish copies of the transcript for a period of 5 years, and may retain that capacity for a longer period, even though another firm is currently transcribing Commission proceedings. Requests for copies of the transcript of current proceedings should be directed to the current contractor, International Transcription Services, Inc., 4931 Bethesda Avenue, Bethesda, Md. 20014 (301-656-1030). Requests for transcripts of older proceedings will be forwarded by the Commission to the firm which made the transcript in question, and the names of contracting firms for past years will be furnished upon request. If a transcript cannot be obtained from the reporting firm, it can be obtained from the general duplicating contractor, as provided in paragraph (a) of this section.

(c)(1) This section has no application to printed publications, which may be purchased from the Superintendent of Documents or private firms (see §§ 0.411-420). Nor does it apply to application forms or information bulletins, which are prepared for the use and information of the public and are available upon request (see §§ 0.421 and 0.423).

(2) Contractual arrangements which have been entered into with commercial firms, as described in this section, do not in any way limit the right of the public to inspect Commission records or to extract therefrom whatever information may be desired. Any person may, in addition, make photocopies of Commission records with his own equipment at locations where those records may be inspected. Coin-operated photocopy machines are available for use by the public in the Broadcast and Dockets Reference Room and the Common Carrier Bureau for the duplication of records available for inspection at those locations.

(3) The Commission has reserved the right to make copies of its records for its own use or for the use of other agencies of the U.S. Government. When it serves the regulatory or financial interests of the U.S. Government, the Commission will make and furnish copies of its records free of charge. In other circumstances, however, if it should be necessary for the Commission to make and furnish copies of its records for the use of others, the fee for this service shall be the same as that charged by the general duplicating contractor for copies of those records under contractual arrangements described in paragraph (a) of this section. Copying charges may be waived or reduced by the General Counsel, upon a showing that waiver or reduction is in the public interest.

NOTE: The criterion considered in acting on a waiver request is whether "waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. 552(a)(4)(A). The following factors are relevant in applying that criterion: the number of persons to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the materials to be released to the general public and the likelihood that a tangible public benefit will be realized. (See Attorney

General's 1974 FOI Amdts. Memorandum, at 15.)

(4) Requests for copies by representatives of foreign governments or persons residing in foreign countries shall be submitted to the Commission and will be reviewed by the Commission under criteria established by the Department of Commerce for controlling the export of technical data.

(d)(1) Copies of computer maintained data bases produced by the Commission may be obtained from the National Technical Information Service (NTIS), Department of Commerce, in the form of computer tapes, cards and paper printouts, or as microfiche. Extracts from such data bases requiring a computer run may also be obtained from NTIS. These materials are not available directly from the Commission. Data bases produced by the Commission are listed in "Directory of Computerized Data Files, Software—and Related Technical Reports" (NTIS/SR-75-02), which may be obtained from NTIS.

(2) Copies of computer generated data stored as paper printouts or on microfiche may also be obtained from the Commission's duplicating contractor (see paragraph (a) of this section).

(3) Copies of computer source programs and associated documentation produced by the Commission may be obtained from the Data Automation Division, Office of the Executive Director. Requests shall be limited to computer source programs and associated documentation in existence when the request is submitted; requests which require the Commission to produce unique computer programs, data bases, and documentation, which are not part of its inventory at the time of the request, will not be honored. Likewise, periodic updates of these materials, as they occur, will not be furnished.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397)

[32 FR 10573, July 19, 1967, as amended at 40 FR 6656, Feb. 13, 1975; 41 FR 51610, Nov. 23, 1976; 42 FR 20133, Apr. 18, 1977; 42 FR 33751, July 1, 1977; 44 FR 39180, July 5, 1979; 44 FR 76525, Dec. 27, 1979; 45 FR 85028, Dec. 24, 1980]

§ 0.466 Search fee.

(a) Subject to the provisions of this section, an hourly fee may be charged for recovery of the direct costs of searching for records requests under § 0.460(d) or 0.461. The fee is based on the grade level of the employee(s) who makes the search, as specified in the following schedule:

Grade	Hourly fee
GS-2	$5.16
GS-3	5.81
GS-4	6.45
GS-5	7.30
GS-6	8.14
GS-7	9.05
GS-8	10.02
GS-9	11.07
GS-10	12.19
GS-11	13.39
GS-12	16.05
GS-13	19.08
GS-14	22.55
GS-15	26.33

NOTE: These fees will be modified periodically to correspond with modifications in the rates of pay approved by Congress.

The above fees were computed at Step 5 of each grade (based on the comparability salary increase effective October 5, 1980) and include 9.3 percent for personnel benefits.

(b) No search fee will be charged if:

(1) The records are not located;

(2) The records are located but are not made available for inspection;

(3) The search does not exceed one hour in duration.

(c) The search fee will be waived or reduced by the General Counsel, upon a showing that waiver or reduction is in the public interest.

NOTE: The criterion considered in acting on a waiver request is whether "waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. 552(a)(4)(A). The following factors are relevant in applying that criterion: the number of persons to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the materials to be released to the general public and the likelihood that a tangible public benefit will be realized (see Attorney General's 1974 FOI Amdts. Memorandum, at 15).

(d) The fee charged will not exceed an amount based on the time normally required to locate records of the kind requested. (For example, the person making the request will not be charged for the extra time required to locate records which have been misplaced or misfiled.)

(e)(1) In most cases, the request for inspection shall specify the maximum search fee that the person making the request is prepared to pay. See § 0.460(d) and (e) and § 0.461(b). If the specified maximum is reached before all of the records have been located, the search will be terminated and the person making the request will be so notified.

(2) If the time of search will exceed 16 hours or the fee will exceed $100 (as estimated by the custodian(s) of the records), an advance payment or deposit may be required. If the advance payment is not tendered within three business days after receipt of notice that advance payment is required, the search will be halted and the request will be denied. As the search progresses, additional payments may be required if expenses exceed the original advance payment. If the payment(s) should exceed the expense of searching for the materials, the difference will be refunded.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Fee Unit, Financial Management Division, Office of Executive Director, or as otherwise directed by the Commission.

(h) Evidence of payment shall be presented to the custodian of the records before the records are made available for inspection.

(i) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(j) Record searches will not be undertaken on the request of any person who has incurred but has not paid charges for producing records.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397)

[40 FR 7316, Feb. 19, 1975, as amended at 45 FR 85028, Dec. 24, 1980]

§ 0.467 Certified copies.

Copies of documents which are available, or made available, for inspection under §§ 0.451-0.465 will be prepared and certified by the Secretary, under seal, on written request specifying the exact documents, the number of copies desired, and the date on which they will be required. The request shall allow a reasonable time for the preparation and certification of copies. The fee for preparing copies shall be the same as that charged by the general duplicating contractor for the same work under contractual arrangements described in § 0.465(a). The fee for certification shall be $1 for each document.

PLACES FOR MAKING SUBMITTALS OR REQUESTS, FOR FILING APPLICATIONS, AND FOR TAKING EXAMINATIONS

§ 0.471 Miscellaneous submittals or requests.

Persons desiring to make submittals or requests of a general nature should communicate with the Secretary of the Commission.

[36 FR 15121, Aug. 13, 1971]

§ 0.473 Reports of violations.

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted to the Commission in Washington or to any field office.

[32 FR 10578, July 19, 1967]

§ 0.475 Applications for employment.

Persons who wish to apply for employment should communicate with the Chief, Personnel Division.

[32 FR 10578, July 19, 1967]

§ 0.481 Place of filing applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	VIA engineer in charge radio district No. 14 Seattle, Wash., 98104.	2.
(b) Amateur	See §§ 0.483 and 0.485.	As specified in form.
(c) Interim ship station license.	See § 0.487	Do.
(d) Personal	To Federal Communications Commission, Gettysburg, Pa., 17326.	Do
(e) Ship (FCC Forms 502 & 405-B).	Do	Do.
(f) Aircraft (FCC Forms 404 & 405-B).	Do	Do.
(g) All others	Directly to the main Washington, D.C., office of the Commission. See § 0.401.	Do.

§ 0.483 Applications for amateur station and operator license and/or commercial operator license.

(a) Application for a new amateur operator license, or for a combination of new amateur operator and station license, which will require examination supervised by Commission personnel, shall be filed in the appropriate engineering field office listed in § 0.121. All other applications for amateur radio licenses shall be submitted to the Federal Communications Commission, Gettysburg, Pennsylvania, 17325. Only one copy of the application is required.

(b) Application for commercial operator license of a class for which examination is required, or for a verification card (FCC Form 758-F), shall be filed with a field office listed in § 0.121 (a) or (b) at which the applicant desires his application to be considered and acted upon, except that application for replacement or duplicate license of such class shall be filed with the office which issued the original license.

(c) Application for commercial operator license for which examination is not required (Restricted Radiotelephone Operator Permit) shall be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325, with the following exceptions:

(1) When the applicant is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States, the application may be submitted by mail or in person to the nearest engineering field office.

(2) When the applicant is at any other location and the application is accompanied by a written showing by the applicant of immediate need for a permit for safety purposes and presented in person by the applicant or his agent, the application may be submitted to the nearest engineering field office.

(3) When application is from an alien aircraft pilot (see § 13.4(c) of this chapter), it shall be submitted to the Federal Communications Commission, Washington, D.C. 20554.

[28 FR 12412, Nov. 22, 1963, as amended at 29 FR 12371, Aug. 28, 1964; 32 FR 2626, Feb. 8, 1967. Redesignated at 32 FR 10578, July 19, 1967, and amended at 39 FR 39556, Nov. 8, 1974]

§ 0.485 Amateur and commercial operator examination points.

(a) Examinations for amateur and commercial radio operator licenses are conducted at each of the Field Operations Bureau district offices listed in § 0.121 on the days designated by the Engineer in Charge of the district office. Examination schedules may be obtained from the Engineer in Charge.

(b) Examinations for all classes of radio operator licenses are given frequently, by appointment, at the Commission's offices in the following cities:

Mobile, Ala., Tampa, Fla., Anchorage, Alaska, Savannah, Ga., San Diego, Calif., Beaumont, Tex.

(c) Examinations are also given at prescribed intervals in the cities in the Commission's current Examination Schedule, copies of which are available from the Federal Communications Commission, Regional Services Division, Washington, D.C. 20554, or any one of the Commission's field offices listed in § 0.121.

QUARTERLY POINTS

Albany, N.Y., Des Moines, Iowa, Fresno, Calif., Hartford, Conn., Knoxville, Tenn., Little Rock, Ark., Memphis, Tenn., Nashville, Tenn., Oklahoma City, Okla., Omaha, Nebr., Phoenix, Ariz., Pittsburgh, Pa., St. Louis, Mo., Salt Lake City, Utah, San Antonio, Tex., Sioux Falls, S. Dak., Syracuse, N.Y., Tulsa, Okla., Winston-Salem, N.C.

SEMIANNUAL

Albany, Ga., Albuquerque, N., Mex., Bangor, Maine, Birmingham, Ala., Boise, Idaho, Columbia, S.C., Corpus Christi, Tex., El Paso, Tex., Jackson, Miss., Jacksonville, Fla., Las Vegas, Nev., Lubbock, Tex., Montgomery, Ala., Portland, Maine, Reno, Nev., Salem, Va., Tucson, Ariz., Wichita, Kans., Williamsport, Pa., Wilmington, N.C.

ANNUAL

Bakersfield, Calif., Jamestown, N. Dak., Klamath Falls, Oreg., Marquette, Mich., Rapid City, S. Dak.

[28 FR 12413, Nov. 22, 1963, as amended at 29 FR 10397, July 25, 1964. Redesignated at 32 FR 10578, July 19, 1967, and amended at 35 FR 16797, Oct. 30, 1970; 40 FR 2986, Jan. 17, 1975; 40 FR 17255, Apr. 18, 1975; 44 FR 39180, July 5, 1979]

§ 0.487 Applications for interim ship station licenses.

Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus of both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 83.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.121 or at the Commission's main office in Washington, D.C.: Provided, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this section.

[40 FR 17255, Apr. 18, 1975]

§ 0.489 Applications for ship radio inspection and periodical survey.

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]

§ 0.491 Applications for exemption from compulsory ship radio requirements.

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article IX of the Great Lakes Agreement, shall be filed at the Commission's offices in Washington, D.C.

[40 FR 17255, Apr. 18, 1975]

§ 0.493 Non-radio common carrier applications.

All such applications shall be filed at the Commission's offices in Washington, D.C.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]

Subpart D—Public Availability of Classified Material

AUTHORITY: Secs. 4(i), 303(r), Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303(r)).

SOURCE: 44 FR 50840, Aug. 30, 1979, unless otherwise noted.

GENERAL

§ 0.501 Purpose.

Pursuant to Executive Order 12065 and Information Security Oversight Office Directive No. 1, the Commission prescribes the following regulations to insure that classified information and material is protected, but only to the extent and for such period as is necessary. The regulations identify the information to be protected, prescribe classification, downgrading, declassification and safeguarding procedures to be followed, and establish a monitoring system to ensure the regulations' effectiveness.

§ 0.502 Program oversight.

The Chief, Internal Review and Security Division will be responsible for conducting an oversight program that ensures effective implementation of Executive Order 12065, to include:

(a) Conducting security training and education programs.

(b) Encouraging Commission personnel to challenge those classification decisions they believe to be improper.

(c) Issuing directives that ensure classified information is used, processed, stored, reproduced and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(d) Recommending to the Chairman appropriate administrative action to correct abuse or violation of any provision of these regulations, including notification by warning letters, formal reprimand, and, to the extent permitted by law, suspension without pay and removal.

§ 0.503 Classification Review Committee.

The Executive Director will chair the Commission's Classification Review Committee which shall have authority to act on all suggestions and complaints with respect to the Commission's administration of these regulations. The General Counsel, or a senior member of his staff designated by him, and the Chief, Internal Review and Security Division will serve as members of the Committee. All suggestions and complaints including those regarding overclassification, failure to classify, or delay in declassifying not otherwise resolved, shall be referred to the Committee for resolution. The Committee shall establish procedures to review and act within 30 days upon all appeals regarding requests for declassification. The Committee shall be authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the Committee determines that continued classification is required under the criteria of the Executive Order, it shall promptly so notify the requester and advise him that he may file an application for review with the Commission. In addition, the Committee shall review all appeals of requests for records under Section 552 of Title 5 U.S.C. (Freedom of Information Act) when the proposed denial is based on their continued classification under Executive Order 12065.

§ 0.504 Original classification.

Executive Order 12065 removed the Commission's prior authority for original classification of national security information as "SECRET" and "CONFIDENTIAL." In any instance where a Commission employee develops information that appears to warrant classification because of its national security character, the material will be afforded protection and sent to the Internal Review and Security Division (IRSD). Upon determination that classification is warranted, IRSD will submit such material to the agency which has appropriate subject matter interest and classification authority.

§ 0.505 Derivative classification.

(a) Distinct from "original" classification is the determination that a document must be classified because it contains paraphrases, restatements, or summaries of, or incorporates in new form, information previously classified by proper authority. Authority to apply derivative classification is granted to Commissioners and Bureau and Office Chiefs, who may delegate this responsibility to the Division level. Original classification decisions must be respected, and to the extent practicable, the current level of classification should be verified through the original classification authority. Declassification or review instructions will be carried forward from the source material or, where available, the classification guide of the originator.

(b) Any document that derives its classification from information classified on or after December 1, 1978, shall be marked with the date or event assigned to the source information for its continued need for classification. If derived from an older document with a declassification date or event 20 years or less from the date of its original classification, that date will be carried forward to the derivative document. Documents derived from source documents without declassification date or event, or with a date 20 years or more from the date of original classification, will be given a declassification date 20 years from the date of original classification of the source document.

DOWNGRADING AND DECLASSIFICATION

§ 0.520 Introduction.

(a) Executive Order 12065 is intended to improve protection against unauthorized disclosure of national security information or material while increasing openness in Government by limiting classification and accelerating declassification. Declassification shall be given emphasis comparable to that accorded classification, with declassification action taken as early as national security considerations permit. The loss of the information's sensitivity with the passage of time or on the occurrence of a declassification event shall form the basis for the decision to declassify. Commission documents given original classification prior to December 1, 1978 may be declassified by the authorizing official, a successor, or by a supervisory official of either.

(b) Those permanent records given original classification by the Commission prior to December 1, 1978, and not in the possession and control of the General Services Administration, must receive a systematic review for declassification prior to becoming twenty years old. Any record considered to require extension of classification must be submitted to an official authorized under E.O. 12065 as original classification authority. Absent such approval, or a prior automatic declassification date, the information is declassified automatically at the end of twenty years from the date of original classification. Exempt from such automatic declassification and the twenty year systematic review is foreign government information. Such information, unless declassified earlier, will be given a declassification review thirty years from its date of origin. As used herein, "foreign government information" is information provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or information produced by the United States pursuant to a written joint agreement with a foreign government or international organization of governments requiring that either the information or the arrangements, or both, be kept in confidence.

§ 0.521 Mandatory declassification review.

(a) The Office of the Executive Director is hereby designated as the office to which members of the public or Departments may direct requests for mandatory review for declassification under this provision. In the case of documents originally classified by the Commission, this office shall, in turn, assign the request to the appropriate office for action within 60 days. In each instance, receipt of the request will be acknowledged in writing immediately by the office which has been assigned action. A request for classification review must reasonably describe the document.

(b) Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information to the extent possible. Whenever a request does not reasonably describe the information sought, the requester shall be notified that unless additional information is provided or the scope of the request is narrowed, no further action will be undertaken. Upon a determination that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under 5 U.S.C. 552(b) (Freedom of Information Act) or other provision of law. If the information may not be released in whole or in part, the requester shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination to the Classification Review Committee, and a notice that such an appeal must be filed with the Commission within 60 days in order to be considered.

(c) When the request relates to a document given derivative classification by the Commission, the request and the document will be forwarded to the originator of the source document, and the requester notified of such referral.

(d) Employees presently cleared for access to classified information are encouraged to challenge classification in cases where there is reasonable cause to believe that information is classified unnecessarily, improperly, or for an inappropriate period of time. Such challenges should be brought to the attention of the Executive Director who will act thereon within 30 days, informing the challenger of actions taken. Requests for confidentiality will be honored.

§ 0.530 Access to classified materials.

No person may be given access to classified information (a) Unless that person has been determined to be trustworthy and (b) Unless access is necessary for the performance of official duties.

§ 0.531 Access by historical researchers and former presidential appointees

The requirements of § 0.530 may be waived for persons who are engaged in historical research projects, or who previously served as FCC Commissioners, provided they execute written agreements to safeguard the information and written consent to the Commission's review of their notes and manuscripts solely for the purpose of determining that no classified information is disclosed. A precondition to any such access is the favorable completion of an appropriate investigative inquiry.

§ 0.540 Fees and charges.

(a) The Commission has designated a contractor to make copies of Commission records and offer them for sale (See § 0.465).

(b) An hourly fee is charged for recovery of the direct costs of searching for the documents (See § 0.466). No search fee will be charged if:

(1) The records are not located

(2) The records are located but not declassified

(3) The search does not exceed one hour in duration.

Subpart E—Privacy Act Regulations

AUTHORITY: Secs. 4, 303, 49 Stat. as amended, 1066, 1082 (47 U.S.C. 154, 303).

SOURCE: 40 FR 44512, Sept. 26, 1975, unless otherwise noted.

§ 0.551 Purpose and scope; definitions.

(a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552(a), and to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records. The regulations contained herein cover any group of records under the Commission's control from which information about individuals is retrievable by the name of an individual or by some other personal identifier.

(b) In this subpart:

(1) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) "Record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, his education, financial transactions, medical history, and criminal or employment history, and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(3) "System of Records" means a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(4) "Routine Use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(5) "System Manager" means the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.

§ 0.552 Notice identifying Commission systems of records.

The Commission annually publishes in the FEDERAL REGISTER a notice listing systems of records currently maintained by the Commission, including for each system of records:

(a) The name and location of the system;

(b) The categories of individuals on whom records are maintained in the system;

(c) The categories of records maintained in the system;

(d) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(e) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(f) The title and business address of the system manager;

(g) The address of the agency office to which inquiries should be addressed and the addresses of locations at which the individual may inquire whether a system contains records pertaining to himself;

(h) The agency procedures whereby an individual can be notified how access can be gained to any record pertaining to that individual contained in a system of records, and the procedure for correcting or contesting its contents; and

(i) The categories of sources of records in the system.

§ 0.553 New uses of information.

Before establishing a new routine use of a system of records, the Commission will publish a notice in the FEDERAL REGISTER of its intention to do so, and will provide at least 30 days for public comment on such use. The notice will contain:

(a) The name of the system of records for which the new routine use is to be established;

(b) The authority for the system;

(c) The categories of records maintained;

(d) The proposed routine use(s); and

(e) The categories of recipients for each proposed routine use.

§ 0.554 Procedures for requests pertaining to individual records in a system of records.

(a) Upon request, the Commission will notify an individual as to whether it maintains information about him or her in a system of records and, subject to the provisions of § 0.555(b), will disclose the substance of such information to that individual. In order to properly request notification or access to record information, reference must be made to the Notice described in § 0.552. A table of contents, which is alphabetized by bureau or office, precedes the system descriptions and allows members of the public to easily identify record systems of interest to them. An individual may inquire into information contained in any or all systems of records described in the Notice. However, each inquiry shall be limited to information from systems located within a single bureau or office and shall be addressed to that bureau or office.

(b) Reasonable identification is required of all individuals making requests pursuant to paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) An individual who chooses to register a request for information in person may verify his or her identity by showing any two of the following: social security card; drivers license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual can provide no suitable document for identification, he will be required to sign a statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

NOTE: An individual's refusal to disclose his social security number shall not constitute cause in and of itself, for denial of a request.

(2) All requests for record information sent by mail shall be signed by the requestor and shall include his printed name, current address and telephone number (if any). Commission officials receiving such requests will attempt to verify the identity of

the requestor by comparing his or her signature to those in the record. If the record contains no signatures and if positive identification cannot be made on the basis of other information submitted, the requestor will be required to sign a statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5000.

(3) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

NOTE: The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Chief, Personnel Division. Such addresses can be found in the Notice described in § 0.552.

(d) A written acknowledgement of receipt of a request for notification and/or access will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual making the request. Such an acknowledgement may, if necessary, request any additional information needed to locate a record. A search of all systems of records identified in the individual's request will be made to determine if any records pertaining to the individual are contained therein, and the individual will be notified of the search results as soon as the search has been completed. Normally, a request will be processed and the individual notified of the search results within 30 days (excluding Saturdays, Sundays, and legal holidays) from the date the inquiry is received. However, in some cases, as where records have to be recalled from Federal Record Centers, notification may be delayed. If it is determined that a record pertaining to the individual making the request does exist, the notification will state approximately when the record will be available for personal review. No separate acknowledgement is required if the request can be processed and the individual notified of the search results within the ten-day period.

§ 0.555 Disclosure of record information to individuals.

(a) An individual having been notified that the Commission maintains a record pertaining to him or her in a system of records may request access to such record in one of three ways: by in person inspection at the system location; by transfer of the record to a nearer location; or by mail.

(1) Individuals who wish to review their records at the system location must do so during regular Commission business hours (8:00 a.m.-4:30 p.m., Monday through Friday). For personal and administrative convenience, individuals are urged to arrange to review a record by appointment. Preferences as to specific dates and times can be made by writing or calling the system manager responsible for the system of records in question at least two days in advance of the desired appointment date, and by providing a telephone number where the individual can be reached during the day in case the appointment must be changed. Verification of identity is required as in § 0.554(b)(1) before access will be granted an individual appearing in person. Individuals may be accompanied by a person of his or her own choosing when reviewing a record. However, in such cases, a written statement authorizing discussion of his or her record in the presence of the accompanying person must be furnished. In addition, any disclosure of original Commission records must take place in the presence of a Commission

representative having physical custody of the records.

(2) Individuals may request that a record be transferred to a Commission field office or installation in the vicinity of his or her home and that access be granted at that location. The addresses of Commission field offices are listed in § 0.121. A request to transfer records must specify the exact location where the records should be sent and a telephone number to call when the information is available for review at the field location. Paragraph (a)(1) of this section regarding personal appointments, verification of identity accompanying persons, and disclosure of original records applies equally to this paragraph.

(3) Individuals may request that copies of records be sent directly to them. In such cases, the individual must verify his or her identity as in § 0.554(b)(2) and provide an accurate return address. Records shall be sent only to that address.

(b) The disclosure of record information under this section is subject to the following limitations:

(1) Records containing medical information pertaining to an individual are subject to individual access under this section unless, in the judgment of the system manager having custody of the records after consultation with a medical doctor, access to such record information could have an adverse impact on the individual. In such cases, a copy of the record will be delivered to a medical doctor named by the individual.

(2) Classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for federal employment or access to classified information, and certain testing or examination material shall be removed from the records to the extent permitted in the Privacy Act of 1974, 5 U.S.C. 552(a). Section 0.561 of this subpart sets forth the systems of records maintained by the Commission which are either totally or partially exempt from disclosure under this subparagraph.

(c) No fee will be imposed if the number of pages of records requested is 25 or less. Requests involving more than 25 pages shall be submitted to the duplicating contractor (see § 0.456(a)).

(d) The provisions of this section in no way give an individual the right to access any information compiled in reasonable anticipation of a civil action or proceeding.

(e) In the event that a determination is made denying an individual access to his or her records for any reason, such individual may either:

(1) Seek administrative review of the adverse determination. Such a request shall be in writing and should be addressed to the system manager who made the initial decision. In addition, the request for review shall state specifically why the initial decision should be reversed.

(2) Seek judicial relief in the district courts of the United States pursuant to paragraph (g)(1)(B) of the Act.

[40 FR 44512, Sept. 26, 1975, as amended at 40 FR 58858, Dec. 19, 1975]

§ 0.556 Request to correct or amend records.

(a) An individual may request the amendment of information contained in his or her record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the official personnel records of active FCC employees should be submitted to the Chief, Personnel Division, Office of Executive Director, 1919 M Street NW., Washington, D.C. 20554. Requests to amend official personnel records of former FCC employees should be sent to the Assistant Director for Agency Compliance and Evaluation, Agency Relations, Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415. Any request to amend should contain, as a minimum:

(1) The identity verification information required by § 0.554(b)(2) and the information needed to locate the record as required by § 0.554(a).

(2) A brief description of the item or items of information to be amended; and

(3) The reason for the requested change.

(b) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request can be reviewed, processed, and the individual notified of compliance or denial within the 10 day period.

(c) The responsible system manager or, in the case of official personnel records of active FCC employees, the Chief, Personnel Division, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, he shall:

(i) So advise the individual in writing;

(ii) Correct the record in compliance with the individual's request; and

(iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, he shall:

(i) Notify the individual in writing of his refusal to amend and the reasons therefore;

(ii) Advise the individual that he may seek further administrative review of the initial decision by the full Commission pursuant to the procedures set forth in § 0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Assistant Director for Agency Compliance and Evaluation, Agency Relations, Office of Personnel Management, Washington, D.C. 20415); and

(iii) Inform the individual of the procedures for requesting Commission review pursuant to § 0.557.

(d) In reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possibly affect the individual. Moreover, he shall adjudge the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

[40 FR 44512, Sept. 26, 1975, as amended at 45 FR 39850, June 12, 1980]

§ 0.557 Administrative review of an initial decision not to amend a record.

(a) An individual has 30 days from the date of the determination not to amend a record consistent with his or her request to seek further administrative review by the full Commission. Such a request shall be in writing and should be addressed to either the system manager who made the initial adverse decision, or, in the case of official personnel records of active FCC employees, to the Assistant Director for Agency Compliance and Evaluation, Agency Relations, Office of Personnel Management, Washington, D.C. 20415. Any request for administrative review must:

(1) Clearly identify the questions presented for review (e.g., whether the record information in question is, in fact, accurate; whether information subject to a request to delete is relevant and necessary to the purpose for which it is maintained);

(2) Specify with particularity why the decision reached by the system manager is erroneous or inequitable; and

(3) Clearly state how the record should be amended or corrected.

(b) The Commission shall conduct an independent review of the record in controversy using the standards of review set out in § 0.556(d). It may seek such additional information as is necessary to make its determination. Final administrative review shall be completed not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review unless the Chairman determines that a fair and equitable review cannot be made within the 30 day period. In such event, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

(c) If upon review of the record in controversy the Commission agrees with the individual that the requested amendment is warranted, the Commission will proceed in accordance with § 0.556(c)(1)(i)-(iii).

(d) If after the review, the Commission also refuses to amend the record as requested, it shall:

(1) Notify the individual in writing of its refusal and the reasons therefore;

(2) Advise the individual of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Commission;

(3) Inform the individual:

(i) That such a statement should be signed and addressed to the system manager having custody of the record in question;

(ii) That the statement will be made available to any one to whom the record is subsequently disclosed together with, at the Commission's discretion, a summary of its reasons for refusing to amend the record; and

(iii) That prior recipients of the record will be provided a copy of the statement of dispute to the extent that an accounting of such disclosures is maintained; and

(4) Advise the individual of his or her right to seek judicial review of the Commission's decision not to amend the record in any district court of the United States.

[40 FR 44512, Sept. 26, 1975, as amended at 45 FR 39850, June 12, 1980]

§ 0.558 Advice and assistance.

Individuals who have questions regarding the procedures contained in this subpart for gaining access to a particular system of records or for contesting the contents of a record, either administratively or judicially, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission,
Office of General Counsel, 1919 M Street
NW., Washington, D.C. 20554.

Individuals who request clarification of the Notice described in § 0.552 or who have questions concerning the characterization of specific systems of records as set forth therein, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Records Management Division, Office of Executive Director, 1229 20th Street NW.,
Washington, D.C. 20554.

§ 0.559 Disclosure of disputed information to persons other than the individual to whom it pertains.

If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to § 0.557(d)(2), the Commission shall clearly annotate the record so that the disputed portion becomes apparent to anyone who may subsequently have access to, use or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. In addition, the Commission may include a brief summary of its reasons for not amending the record when disclosing the record. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of § 0.556.

§ 0.560 Penalty for false representation of identity.

Any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than $5,000.

§ 0.561 Exemptions.

The following systems of records are totally or partially exempt from Subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554-0.557 of this subpart:

(a) System name: Radio Operator Records—FCC. Parts of this system of records are EXEMPT pursuant to section (k)(2) of the Act because they contain investigatory material compiled solely for law enforcement purposes.

(b) System name: Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC. Parts of this system of records are EXEMPT because they are maintained as a protective service for individuals described in Section 3056 of title 18, and because they are necessary for Commission employees to perform their duties, pursuant to Sections (k) (1), (2), and (3) of the Act.

(c) System name: Investigations involving Broadcast Owners, officers, employees—FCC.

(1) Hearing Division case file (includes information furnished by witnesses, complainants, informants)—FCC.

(2) Attorney Misconduct Files—FCC. This system of records is EXEMPT pursuant to Section 3(k)(2) of the Act because it is maintained for law enforcement purposes.

(d) *System name:* Complaints against Broadcast Stations, Licensees, Officers, Employees—FCC.

(1) Communications Interception—§ 605—FCC.

(2) Alleged Violators File (United States District Court Enforcement Actions)—FCC.

(3) Alleged Violators File (Ex Parte Rules)—FCC.

(4) Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC.

Part of this system of records are EXEMPT pursuant to Section 3(k)(2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.

(e)(1) *System name:* Personnel Investigations of Members of Advisory Committee (Maritime Communications Subcommittee, National Industry Advisory Committee)—FCC.

(2) *System name:* Personnel Investigations of Employees—FCC. Parts of these systems of records are exempt because they embody investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

Subpart F—Meeting Procedures

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).

SOURCE: 42 FR 12867, Mar. 7, 1977, unless otherwise noted.

§ 0.601 Definitions.

For purposes of this section—

(a) The term "agency" means (1) the Commission, (2) a Board of Commissioners (see § 0.212), (3) the Telecommunications Committee (see § 0.215), (4) the Subscription Television Committee (see § 0.216), and (5) any other group of Commissioners hereinafter established by the Commission on a continuing or ad hoc basis and authorized to act on behalf of the Commission.

(b) The term "meeting" means the deliberations among a quorum of the Commission, a Board of Commissioners, or a quorum of a committee of Commissioners, where such deliberations determine or result in the joint conduct of disposition of official agency business, except that the term does not include deliberations to decide whether a meeting should be open or closed. (The term includes conference telephone calls, but does not include the separate consideration of Commission business by Commissioners.) For purposes of this subpart each item on the agenda of a meeting is considered a meeting or a portion of a meeting.

§ 0.602 Open meetings.

(a) All meetings shall be conducted in accordance with the provisions of this subpart.

(b) Except as provided in § 0.603, every portion of every meeting shall be open to public observation. Observation does not include participation or disruptive conduct by observers, and persons engaging in such conduct will be removed from the meeting.

(c) The right of the public to observe open meetings does not alter those rules in this Chapter which relate to the filing of motions, pleadings, or other documents. Unless such pleadings conform to the other procedural requirements of this Chapter, pleadings based upon comments or discussions at open meetings, as a general rule, will not become part of the official record, will receive no consideration, and no further action by the Commission will be taken thereon.

(d) Deliberations, discussions, comments or observations made during the course of open meetings do not themselves constitute action of the Commission. Comments made by Commissioners may be advanced for purposes of discussion and may not reflect the ultimate position of a Commissioner.

[42 FR 12867, Mar. 7, 1977, as amended at 45 FR 63491, Sept. 25, 1980]

§ 0.603 Bases for closing a meeting to the public.

Except where the agency finds that the public interest requires otherwise, an agency or advisory committee meeting may be closed to the public, and information pertaining to such meetings which would otherwise be disclosed to the public under § 0.605 may be withheld, if the agency determines that an open meeting or the disclosure of such information is likely to—

(a) Disclose matters that (1) are specifically authorized under criteria established by executive order to be kept secret in the interest of national defense or foreign policy, and (2) are in fact properly classified pursuant to such executive order (see § 0.457(a));

(b) Relate solely to the internal personnel rules and practices of an agency (see § 0.457(b));

(c) Disclose matters specifically exempted from disclosure, by statute (other than the Freedom of Information Act, 5 U.S.C. 552). *Provided*, That such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld (see § 0.457(c));

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential (see § 0.457(d));

(e) Involve accusing any person of a crime or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (see § 0.457(f));

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except where the agency has already disclosed to the public the content or nature of the disclosed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(j) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures specified in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for hearing.

§ 0.605 Procedures for announcing meetings.

(a) Notice of all open and closed meetings will be given.

(b) The meeting notice will be submitted for publication in the FEDERAL REGISTER on or before the date on which the announcement is made. Copies will be available in the Press and News Media Division on the day the announcement is made. Copies will also be attached to "FCC Actions Alert", which is mailed to certain individuals and groups who have demonstrated an interest in representing the public in Commission proceedings.

(c)(1) If the agency staff determines that a meeting should be open to the public, it will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Chief, Press and News Media Division, who has been designated to respond to requests for information about the meeting.

(2) If the staff determines that a meeting should be closed to the public, it will refer the matter to the General Counsel, who will certify that there is (or is not) a legal basis for closing the meeting to the public. Following action by the General Counsel, the matter may be referred to the agency for a vote on the question of closing the meeting (See § 0.606).

(d)(1) If the question of closing a meeting is considered by the agency but no vote is taken, the agency will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Chief, Press and News Media Division.

(2) If a vote is taken, the agency will, in the same announcement and within one day after the vote, make public the vote of each participating Commissioner.

(3) If the vote is to close the meeting, the agency will also, in that announcement, set out a full written explanation of its action, including the applicable provision(s) of § 0.603, and a list of persons expected to attend the meeting, including Commission personnel, together with their affiliations. The Commissioners, their assistants, the General Counsel, the Executive Director, the Chief, Press and News Media Division, and the Secretary are expected to attend all Commission meetings. The appropriate Bureau or Office Chief and Division Chief are expected to attend meetings which relate to their responsibilities (see Subpart A of this part).

(4) If a meeting is closed, the agency may omit from the announcement information usually included, if and to the extent that it finds that disclosure would be likely to have any of the consequences listed in § 0.603.

(e) If the prompt and orderly conduct of agency business requires that a meeting be held less than one week after the announcement of the meeting, or before that announcement, the agency will issue the announcement at the earliest practicable time. In addition to other information, the announcement will contain the vote of each member of the agency who participated in the decision to give less than seven days notice and will specify the nature of the emergency situation if it is not clear from the subject matter.

(f) If, after announcement of a meeting, the time or place of the meeting is changed or the meeting is cancelled, the agency will announce the change at the earliest practicable time.

(g) If the subject matter or the determination to open or close a meeting is changed, the agency will publicly announce the change and the vote of each member at the earliest practicable time. The announcement will contain a finding that agency business requires the change and that no earlier announcement of the change was possible.

(47 U.S.C. 154, 155, 303)

[42 FR 12867, Mar. 7, 1977, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70472, Dec. 7, 1979]

§ 0.606 Procedures for closing a meeting to the public.

(a) For every meeting closed under § 0.603, the General Counsel will certify that there is a legal basis for closing the meeting to the public and will state each relevant provision of § 0.603.

The staff of the agency will refer the matter to the General Counsel for certification before it is referred to the agency for a vote on closing the meeting. Certifications will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

(b) the agency will vote on the question of closing a meeting—

(1) If a member of the agency requests that a vote be taken;

(2) If the staff recommends that a meeting be closed and one member of the agency requests that a vote be taken; or

(3) If a person whose interests may be directly affected by a meeting requests the agency to close the meeting for any of the reasons listed in § 0.603 (e), (f) or (g), or if any person requests that a closed meeting be opened, and a member of the agency requests that a vote be taken. (Such requests may be filed with the Secretary at any time prior to the meeting and should briefly state the reason(s) for opening or closing the meeting. To assure that they reach the Commission for consideration prior to the meeting, they should be submitted at the earliest practicable time and should be called specifically to the attention of the Secretary—in person or by telephone. It will be helpful if copies of the request are furnished to the members of the agency and the General Counsel. The filing of a request shall not stay the holding of a meeting.)

(c) A meeting will be closed to the public pursuant to § 0.603 only by vote of a majority of the entire membership of the agency. The vote of each participating Commissioner will be recorded. No Commissioner may vote by proxy.

(d) A separate vote will be taken before any meeting is closed to the public and before any information is withheld from the meeting notice. However, a single vote may be taken with respect to a series of meetings proposed to be closed to the public, and with respect to information concerning such series of meetings (a vote on each question, if both are presented), if each meeting involves the same particular matters and is scheduled to be held no later than 30 days after the first meeting in the series.

(e) Less than seven days notice may be given only by majority vote of the entire membership of the agency.

(f) The subject matter or the determination to open or close a meeting will be changed only if a majority of the entire membership of the agency determines by recorded vote that agency business so requires and that no earlier announcement of the change was possible.

§ 0.607 Transcript, recording or minutes; availability to the public.

(a) The agency will maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting closed to the public, except that in a meeting closed pursuant to paragraph (h) or (j) of § 0.603, the agency may maintain minutes in lieu of a transcript or recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any item will be identified in the minutes.

(b) A public file of transcripts (or minutes) of closed meetings will be maintained in the Minute and Rules Branch, Office of the Secretary. The transcript of a meeting will be placed in that file if, after the meeting, the responsible Bureau or Office Chief determines, in light of the discussion, that the meeting could have been open to the public or that the reason for withholding information concerning the matters discussed no longer pertains. Transcripts placed in the public file are available for inspection under § 0.460. Other transcripts, and separable portions thereof which do not contain information properly withheld under § 0.603, may be made available for inspection under § 0.461. When a transcript, or portion thereof, is made available for inspection under § 0.461, it will be placed in the public file. Copies of transcripts may be obtained from the duplicating contractor pursuant to § 0.465(a). There will be no search or transcription fee. Requests for inspection or copies of transcripts shall specify the date of the meeting, the name of the agenda and the agenda item number; this information will appear in the notice of the meeting. Pursuant to § 0.465(c)(3), the Commission will make copies of the transcript available directly, free of charge, if it serves the financial or regulatory interests of the United States.

(c) The Commission will maintain a copy of the transcript or minutes for a period of at least two years after the meeting, or until at least one year after conclusion of the proceeding to which the meeting relates, whichever occurs later.

(d) The Commissioner presiding at the meeting will prepare a statement setting out the time and place of the meeting, the names of persons other than Commission personnel who were present at the meeting, and the names of Commission personnel who participated in the discussion. These statements will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Implement, 5 U.S.C. 552.

Subpart A—General Rules of Practice and Procedure

SOURCE: 28 FR 12415, Nov. 22, 1963, unless otherwise noted.

NOMENCLATURE CHANGES: 37 FR 19372, Sept. 20, 1972.

GENERAL

§ 1.1 Proceedings before the Commission.

The Commission may on its own motion or petition of any interested party hold such proceedings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties or the formulation or amendment of its rules and regulations. For such purposes it may subpena witnesses and require the production of evidence. Procedures to be followed by the Commission shall, unless specifically prescribed in this part, be such as in the opinion of the Commission will best serve the purposes of such proceedings.

(Sec. 403, 48 Stat. 1094; 47 U.S.C. 403)

§ 1.2 Declaratory rulings.

The Commission may, in accordance with section 5(d) of the Administrative Procedure Act, on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

(5 U.S.C. 554)

§ 1.3 Suspension, amendment, or waiver of rules.

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

CROSS REFERENCE: See Subpart C of this part for practice and procedure involving rulemaking.

§ 1.4 Computation of time.

(a) It is frequently necessary under Commission procedures to compute the terminal date of a period of time where the period begins with the occurrence of an act, event, or default and terminates a specified number of days thereafter. Unless otherwise provided by statute, the first day to be counted in computing the terminal date is the day after the day on which the act, event, or default occurs. The last day of such period of time is included in the computation and any action required must be taken on or before that day.

(b) Except as otherwise provided by law, the first day to be counted when a period of time begins with an action taken by the Commission, an Administrative Law Judge, or by members of the Commission or its staff pursuant to delegated authority is the day after the day on which public notice of that action is given. Usually, such actions take the form of a document. The date of public notice commences at 3 P.M. Eastern Time on the day after any of the following dates:

(1) For documents in notice and comment rule-making proceedings, the date of publication in the FEDERAL REGISTER.

(2) For other documents released by the Commission (whether or not published in the FEDERAL REGISTER), the release date. A document is "released" by making the full text available to the press and the public in the Commission's Information Office. The release date appears on the face of the document.

(3) If the full text of an action document is not to be released by the Commission but a descriptive document entitled "Public Notice" describing the action is released, the date on which the descriptive "Public Notice" is released.

(4) If a document is neither published in the FEDERAL REGISTER nor released and if a descriptive document entitled "Public Notice" is not released, the date on which the document is sent (*i.e.*, mailed, telegraphed, etc.) to persons affected by the action.

(c) All petitions, pleadings, tariffs, or other documents filed with the Commission must be tendered for filing in complete form before 5:30 p.m., in the Office of the Secretary.

(d) For purposes of this section, the term "holiday" shall include Saturdays, Sundays, legal holidays or half holidays in the District of Columbia, and any other day on which the Commission's offices are closed prior to 5:30 p.m. The term "business day" shall include all other days.

(e) For purposes of this section, the term "filing period" means the number of days allowed or prescribed by statute, rule, order, notice, or other Commission action for filing any document with the Commission; the term does not include any additional days allowed for filing any document under paragraph (f), (g), or (i) of this section. The term "filing date" means the date upon which the document must be filed after all computations authorized by this section have been made.

(f) If the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served upon parties by mail (see § 1.47(f)), and where the filing period for a response is 10 days or less, an additional 3 days (not counting holidays) will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.89, § 1.20(d), § 1.315(b), or § 1.316.

(h) If both paragraphs (f) and (g) of this section are applicable, make the computations called for by paragraph (f) before making those called for by paragraph (g).

(i) If the filing date falls on a holiday, the document shall be filed on the next business day.

NOTE: Where specific provisions contained in Part 1 conflict with this section, those specific provisions are controlling. See, in particular, §§ 1.773(a)(3) and 1.773(b)(2).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1070, 1082, 1083; 47 U.S.C. 154, 203, 303, 307)

[28 FR 12415, Nov. 22, 1963, as amended at 41 FR 17911, Apr. 29, 1976; 42 FR 25735, May 19, 1977; 42 FR 63788, Dec. 20, 1977; 44 FR 39180, July 5, 1979; 45 FR 64190, Sept. 29, 1980; 46 FR 18556, Mar. 25, 1981]

§ 1.5 Mailing address furnished by licensee.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

§ 1.6 Availability of station logs and records for Commission inspection.

(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee's possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the Commission has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency promptly certifies in writing to the Federal Communications Commission that removal of the logs or records will hinder law enforcement activities of the agency, stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records will be released to the Federal Communications Commission.

§ 1.8 Withdrawal of papers.

The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records.

§ 1.10 Transcript of testimony; copies of documents submitted.

In any matter pending before the Commission, any person submitting data or evidence, whether acting under compulsion or voluntarily, shall have the right to retain a copy thereof, or to procure a copy of any document submitted by him, or of any transcript made of his testimony, upon payment of the charges therefor to the person furnishing the same, which person may be designated by the Commission. The Commission itself shall not be responsible for furnishing the copies.

[29 FR 14406, Oct. 20, 1964]

§ 1.12 Notice to attorneys of Commission documents.

In any matter pending before the Commission in which an attorney has appeared for, submitted a document on behalf of or been otherwise designated by a person, any notice or other written communication pertaining to that matter issued by the Commission and which is required or permitted to be furnished to the person will be communicated to the attorney, or to one of such attorneys if more than one is designated. If direct communication with the party is appropriate, a copy of such communication will be mailed to the attorney.

[29 FR 14406, Oct. 20, 1964]

§ 1.14 Citation of Commission documents.

The appropriate reference to the FCC Reports, Second Series, shall be included as part of the citation to any document which has been printed in the Reports (e.g., 1 FCC 2d 1 (1965)). See §§ 0.413 and 0.416 of this chapter.

[33 FR 11821, Aug. 21, 1968]

PARTIES, PRACTITIONERS, AND WITNESSES

§ 1.21 Parties.

(a) Any party may appear before the Commission and be heard in person or by attorney.

(b) The appropriate Bureau Chief(s) of the Commission shall be deemed to be a party to every adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being so named in the order designating the proceeding for hearing.

(c) When, in any proceeding, a pleading is filed on behalf of either the General Counsel or the Chief Scientist, he shall thereafter be deemed a party to the proceeding.

(d) Except as otherwise expressly provided in this chapter, a duly authorized corporate officer or employee may act for the corporation in any matter which has not been designated for an evidentiary hearing and, in the discretion of the presiding officer, may appear and be heard on behalf of the corporation in an evidentiary hearing proceeding.

[28 FR 12415, Nov. 22, 1963, as amended at 37 FR 8527, Apr. 28, 1972; 44 FR 39180, July 5, 1979]

§ 1.22 Authority for representation.

Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.23 Persons who may be admitted to practice.

(a) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory, or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Commission.

(b) When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal appearance or signature shall constitute a representation to the Commission that, under the provisions of this chapter and the law, he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

§ 1.24 Censure, suspension, or disbarment of attorneys.

(a) The Commission may censure, suspend, or disbar any person who has practiced, is practicing or holding himself out as entitled to practice before it if it finds that such person:

(1) Does not possess the qualifications required by § 1.23;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the bar of any court of which he is a member;

(3) Is lacking in character or professional integrity; and/or

(4) Displays toward the Commission or any of its hearing officers conduct which, if displayed toward any court of the United States or any of its Territories or the District of Columbia, would be cause for censure, suspension, or disbarment.

(b) Before any member of the bar of the Commission shall be censured, suspended, or disbarred, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.25 Former Commissioners and employees.

(a) No Commissioner shall, for a period of one year following the termination of his services as a Commissioner, represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any former Commissioner who has served the full term for which he was appointed. See 47 U.S.C. 154(b).

(b) No member, officer, or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

(c) No former member, officer, or employee of the Commission shall act as agent or attorney for any one other than the United States in connection with any particular Commission matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as a member, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, the rendering of service, investigation, or otherwise. See 18 U.S.C. 207(a).

(d) No former member, officer, or employee of the Commission shall, within one year after his employment has ceased, appear personally before the Commission as agent or attorney for any one other than the United States in connection with any particular Commission matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and which was under his official responsibility as an officer or employee of the Commission at any time within a period of one year prior to termination of his employment. See 18 U.S.C. 207(b).

(e) Notwithstanding the provisions of paragraphs (c) and (d) of this section, a former member, officer, or employee of the Commission who possesses outstanding scientific or technological qualifications may act as attorney or agent or appear personally in connection with a particular matter in his scientific or technological field, upon certification by the Commission, published in the FEDERAL REGISTER, that the national interest would be served by such action or appearance. See 18 U.S.C. 207(b). This exception does not apply to persons barred from representing others before the Commission under paragraphs (a) or (b) of this section.

[28 FR 13785, Dec. 18, 1963]

§ 1.26 Appearances.

Rules relating to appearances are set forth in §§ 1.87, 1.91, 1.221, and 1.703.

§ 1.27 Witnesses; right to counsel.

Any individual compelled to appear in person in any Commission proceeding may be accompanied, represented, and advised by counsel as provided in this section. (Regulations as to persons seeking voluntarily to appear and give evidence are set forth in § 1.225.)

(a) Counsel may advise his client in confidence, either upon his own initiative or that of the witness, before, during, and after the conclusion of the proceeding.

(b) Counsel for the witness will be permitted to make objections on the record, and to state briefly the basis for such objections, in connection with any examination of his client.

(c) At the conclusion of the examination of his client, counsel may ask clarifying questions if in the judgment of the presiding officer such questioning is necessary or desirable in order to avoid ambiguity or incompleteness in the responses previously given.

(d) Except as provided by paragraph (c) of this section, counsel for the witness may not examine or cross-examine any witness, or offer documentary evidence, unless authorized by the Commission to do so.

(5 U.S.C. 555)

[29 FR 12775, Sept. 10, 1964]

PLEADINGS, BRIEFS, AND OTHER PAPERS

§ 1.41 Informal requests for Commission action.

Except where formal procedures are required under the provisions of this chapter, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought, the statutory and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request.

§ 1.42 Applications, reports, complaints; cross-reference.

(a) Rules governing applications and reports are contained in Subparts D, E, and F of this part.

(b) Special rules governing complaints against common carriers arising under the Communications Act are set forth in Subpart E of this part.

§ 1.43 Requests for stay; cross-reference.

General rules relating to requests for stay of any order or decision are set forth in §§ 1.41, 1.44(e), 1.45(d) and (e), and 1.298(a). See also §§ 1.102, 1.106(n), and 1.115(h).

§ 1.44 Separate pleadings for different requests.

(a) Requests requiring action by the Commission shall not be combined in a pleading with requests for action by an administrative law judge or by any person or persons acting pursuant to delegated authority.

(b) Requests requiring action by an administrative law judge shall not be combined in a pleading with requests for action by the Commission or by any person or persons acting pursuant to delegated authority.

(c) Requests requiring action by any person or persons pursuant to delegated authority shall not be combined in a pleading with requests for action by any other person or persons acting pursuant to delegated authority.

(d) Pleadings which combine requests in a manner prohibited by paragraph (a), (b), or (c) of this section may be returned without consideration to the person who filed the pleading.

(e) Any request to stay the effectiveness of any decision or order of the Commission shall be filed as a separate pleading. Any such request which is not filed as a separate pleading will not be considered by the Commission.

NOTE: Matters which are acted on pursuant to delegated authority are set forth in Subpart B of Part 0 of this chapter. Matters acted on by the hearing examiner are set forth in § 0.341.

§ 1.45 Pleadings; filing periods.

Except as otherwise provided in this chapter, pleadings in Commission proceedings shall be filed in accordance with the provisions of this section.

(a) *Oppositions.* Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.

(b) *Replies.* The person who filed the original pleading may reply to oppositions within 5 days after the time for filing oppositions has expired. The reply shall be limited to matters raised in the oppositions, and the response to all such matters shall be set forth in a single pleading; separate replies to individual oppositions shall not be filed.

(c) *Additional pleadings.* Additional pleadings may be filed only if specifically requested or authorized by the Commission.

(d) *Requests for temporary relief; shorter filing periods.* Oppositions to a request for stay of any order or to a request for other temporary relief shall be filed within 7 days after the request is filed. Replies to oppositions should not be filed and will not be considered. The provisions of § 1.4(g) shall not apply in computing the filing date for oppositions to a request for stay or for other temporary relief.

(e) *Ex parte disposition of certain pleadings.* As a matter of discretion, the Commission may rule ex parte upon requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief, without waiting for the filing of oppositions or replies.

NOTE: Where specific provisions contained in Part 1 conflict with this section, those specific provisions are controlling. See, in particular, §§ 1.294(c), 1.298(a), and § 1.773.

[28 FR 12415, Nov. 22, 1963, as amended at 33 FR 7153, May 15, 1968; 45 FR 64190, Sept. 29, 1980]

§ 1.46 Motions for extension of time.

(a) It is the policy of the Commission that extensions of time shall not be routinely granted.

(b) Motions for extension of time in which to file responses to petitions for rulemaking, replies to such responses, comments filed in response to notice of proposed rulemaking, replies to such comments and other papers in rulemaking proceedings conducted under Subpart C of this part shall be filed at least 7 days before the filing date. If a timely motion is denied, the responses and comments, replies thereto, or other papers need not be filed until 2 business days after the Commission acts on the motion. In emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency and will consider motions for acceptance of comments, reply comments or other papers filed after the filing date.

(c) If a motion for extension of time in which to file papers in proceedings other than notice and comment rule making proceedings is filed less than 7 days prior to the day for filing the papers, the party filing the motion shall (in addition to serving the motion on other parties) orally notify other parties and Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed.

[39 FR 43301, Dec. 12, 1974, as amended at 41 FR 9550, Mar. 5, 1976; 41 FR 14871, Apr. 8, 1976; 42 FR 28887, June 6, 1977]

§ 1.47 Service of documents and proof of service.

(a) Where the Commission or any person is required by statute or by the provisions of this chapter to serve any document upon any person, service shall (in the absence of specific provisions in this chapter to the contrary) be made in accordance with the provisions of this section.

(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed: *Provided, however,* That formal complaints, including supplemental, cross, and amended complaints, filed under section 208 of the Communications Act will be served by the Commission.

(c) Commission counsel who formally participate in any proceeding shall be served in the same manner as other persons who participate in that proceeding. The filing of a document with the Commission does not constitute service upon Commission counsel.

(d) Documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served; or, if there is no one in charge of such office, leaving it in a conspicuous place therein; or, if such office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(f) Service by mail is complete upon mailing.

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may allow the proof to be amended or supplied at any time, unless to do so would result in material prejudice to a party.

[28 FR 12415, Nov. 22, 1963, as amended at 40 FR 55644, Dec. 1, 1975]

§ 1.48 Length of pleadings.

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. If other materials are submitted with a pleading, they will be counted in determining its length; and if the length of the pleadings, as so computed, is greater than permitted by the provisions of this chapter, the pleading will be returned without consideration.

(b) It is the policy of the Commission that requests for permission to file pleadings in excess of the length prescribed by the provisions of this chapter shall not be routinely granted. Where the filing period is 10 days or less, the request shall be made within 2 business days after the period begins to run. Where the period is more than 10 days, the request shall be filed at least 10 days before the filing date. (See § 1.4.) If a timely request is made, the pleading need not be filed earlier than 2 business days after the Commission acts upon the request.

[28 FR 12415, Nov. 22, 1963, as amended at 41 FR 14871, Apr. 8, 1976; 41 FR 34260, Aug. 13, 1976]

§ 1.49 Specifications as to pleadings and documents.

All pleadings and documents filed in any proceeding shall be on paper either 8 by 10½ or 14 inches or 8½ by 11, 13 or 14 inches. The impression shall be double spaced, except that long quotations shall be single spaced and indented. All papers shall be typewritten or prepared by mechanical processing methods. The left hand margin shall be not less than 1½ inches wide. Both sides of the paper may be used. (If both sides are used, it is the right hand margin of even-numbered pages which shall be at least 1½ inches wide; and the pleading shall be bound—e.g., stapled twice—in the left hand margin, so as to open like a book). The foregoing shall not apply to printed briefs, official publications, charts and maps, original documents (or admissible copies thereof) offered as exhibits, specially prepared exhibits, or if otherwise specifically provided. All copies shall be clearly legible.

[40 FR 19198, May 2, 1975]

§ 1.50 Specifications as to briefs.

Briefs may be printed, typewritten, mimeographed, multigraphed, or multilithed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double spaced text and single spaced quotations. Typewritten, mimeographed, multigraphed, or multilithed briefs shall conform to the specifications for pleadings and documents set forth in § 1.49.

§ 1.51 Number of copies of pleadings, briefs and other papers.

Except as otherwise specifically provided in the Commission's rules and regulations, the number of copies of pleadings, briefs, and other papers to be filed is as follows:

(a) In hearing proceedings, the following number of copies shall be filed:

(1) If the paper filed relates to a matter to be acted upon by the presiding officer or the Chief Administrative Law Judge, an original and 6 copies shall be filed.

(2) If the paper filed relates to matters to be acted on by the Review Board, an original and 11 copies shall be filed.

(3) If the paper filed relates to matters to be acted on by the Commission, an original and 16 copies shall be filed.

(4) If more than one person presided (is presiding) at the hearing an additional copy shall be filed for each such additional person.

(b) In rulemaking proceedings which have not been designated for hearing, an original and 5 copies of all papers shall be filed. The distribution of such copies shall be as follows:

Dockets (original and 1)	2
Bureau	2
Secretary	1
Information office	1
Total	6

Participants filing the required 6 copies who also wish each Commission to have a personal copy of the comments may file an additional 6 copies. The distribution of such copies shall be as follows:

Commissioners	7
Dockets (original and 1)	2
Bureau	2
Information office	1
Total	12

Dockets (original and 1)	2
Bureau	2
Secretary	1
Information office	1
Total	6

However, members of the general public who wish to express their interest by participating informally in a rulemaking proceeding may do so by submitting one copy of their comments, without regard to form, provided only that the Docket Number is specified in the heading. Also, such informal participants who wish responsible members of the staff to have a personal copy, and to have an extra copy available for the Commissioners, may file an additional 5 copies. The distribution of such copies shall be as follows:

Dockets (original and 1)	2
Bureau	2
Secretary	1
Information office	1
Total	6

(c) In matters other than rule making and hearing cases, the following number of copies shall be filed:

(1) If the paper filed relates to matters to be acted on by the Commission, an original and 4 copies shall be filed.

(2) If the paper filed relates to matters to be acted on by staff officials under delegated authority, an original and 4 copies shall be filed.

(d) Where statute or regulation provides for service by the Commission of papers filed with the Commission, an additional copy of such papers shall be filed for each person to be served.

(e) The parties to any proceeding may, on notice, be required to file additional copies of any or all papers filed in that proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

[40 FR 48136, Oct. 14, 1975, as amended at 41 FR 50399, Nov. 16, 1976; 45 FR 64190, Sept. 29, 1980; 45 FR 79486, Dec. 1, 1980]

§ 1.52 Subscription and verification.

The original of all petitions, motions, pleadings, briefs, and other documents filed by any party represented by counsel, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. Copies should be conformed. A party who is not represented by an attorney shall sign and verify the document and state his address. Except when otherwise specifically provided by rule or statute, documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If the original of a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false, and the matter may proceed as though the document had not been filed. An attorney may be subjected to appropriate disciplinary action, pursuant to § 1.24, for a willful violation of this rule or if scandalous or indecent matter is inserted.

GENERAL APPLICATION PROCEDURES

§ 1.61 Procedures for handling applications requiring special aeronautical study.

(a) Antenna surveys are conducted by the Antenna Survey Branch of the Regional Services Division, Field Operations Bureau.

(b) Each operating bureau or office examines the applications for which it is responsible to ascertain whether or not antenna consideration is required. If such consideration is required, the antenna data is furnished to the Antenna Survey Branch.

(c) The Antenna Survey Branch then ascertains whether applicant is required to submit a "Notice of Proposed Construction or Alteration" [FAA Form 7460-1] to the Federal Aviation Administration.

(d) If FAA Form 7460-1 is not required, the application and appropriate antenna painting and lighting specifications are returned to the originating bureau or office for such further action as is necessary.

(e) If FAA Form 7460-1 is required, the originating bureau or office will be so advised. Unless the application includes a statement that FAA Form 7460-1 has been submitted to the Federal Aviation Administration, the originating bureau or office will notify the applicant to do so.

(f) Upon receipt of a report from the Federal Aviation Administration approving a proposed antenna, the Antenna Survey Branch prescribes antenna tower painting and lighting specifications or other conditions in accordance with the provisions of Part 17 of this chapter and forwards this information to the originating bureau or office. If the proposed tower is disapproved, a report of the disapproval is forwarded to the originating bureau or office.

(g) Where one or more antenna farm areas have been designated for a community or communities (see § 17.9 of this chapter), an application for a construction permit proposing the erection of an antenna structure over 1,000 feet in height above ground to serve such community or communities will not be accepted for filing unless:

(1) It is proposed to locate the antenna structure in a designated antenna farm area, or

(2) It is accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation, or

(3) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

NOTE: By Commission Order (FCC 65-455), 30 FR 7419, June 5, 1965, the Commission issued the following policy statement concerning the height of radio and television antenna towers:

"We have concluded that this objective can best be achieved by adopting the following policy: Applications for antenna towers higher than 2,000 feet above ground will be presumed to be inconsistent with the public interest, and the applicant will have a burden of overcoming that strong presumption. The applicant must accompany its application with a detailed showing directed to meeting this burden. Only in the exceptional case, where the Commission concludes that a clear and compelling showing has been made that there are public interest reasons requiring a tower higher than 2,000 feet above ground, and after the parties have complied with applicable FAA procedures, and full Commission coordination with FAA on the question of menace to air navigation, will a grant be made. Applicants and parties in interest will, of course, be afforded their statutory hearing rights."

[28 FR 12415, Nov. 22, 1963, as amended at 32 FR 8813, June 21, 1967; 32 FR 20860, Dec. 28, 1967; 34 FR 6481, Apr. 15, 1969; 45 FR 55201, Aug. 19, 1980]

§ 1.62 Operation pending action on renewal application.

(a)(1) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provisions of section 9(b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve the public interest, convenience, or necessity, nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(2) A licensee operating by virtue of this paragraph shall, after the date of expiration specified in the license, post, in addition to the original license, any acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee, or in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the non-continuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

(5 U.S.C. 558)

§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.

Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with § 1.47. Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

[29 FR 15518, Nov. 19, 1964]

§ 1.68 Action on application for license to cover construction permit.

(a) An application for license by the lawful holder of a construction permit will be granted without hearing where the Commission, upon examination of such application, finds that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest.

(b) In the event the Commission is unable to make the findings in paragraph (a) of this section, the Commission will designate the application for hearing upon specified issues.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.77 Detailed application procedures; cross references.

The application procedures set forth in §§ 1.61-1.68 are general in nature. More detailed procedures are set forth in this chapter as follows:

(a) Rules governing applications for authorizations in the Broadcast Radio Services are set forth in Subpart D of this part.

(b) Rules governing applications for authorizations in the Common Carrier Radio Services are set forth in Subpart E of this part.

(c) Rules governing applications for authorizations in the Private Radio Services are set forth in Subpart F of this part.

(d) Rules governing applications for authorizations in the Experimental Radio Services (other than broadcast) are set forth in Part 5 of this chapter.

(e) Rules governing applications for authorizations in the Domestic Public Radio Services are set forth in Part 21 of this chapter.

(f) Rules governing applications for authorizations in the Industrial, Scientific, and Medical Service are set forth in Part 18 of this chapter.

(g) Rules governing applications for type approval and type acceptance of equipment are set forth in Part 2, Subpart F, of this chapter.

(h) Rules governing applications for operator licenses and permits are set forth in §§ 1.83 and 1.84 of this chapter.

[28 FR 12415, Nov. 22, 1963, as amended at 44 FR 39180, July 5, 1979]

MISCELLANEOUS PROCEEDINGS

§ 1.80 Forfeiture proceedings.

(a) *Persons against whom and violations for which, a forfeiture may be assessed.* forfeiture penalty may be assessed against any person found to have:

(1) Willfully or repeatedly failed to comply substantially with the terms and conditions of any license, permit, certificate, or other instrument of authorization issued by the Commission;

(2) Willfully or repeatedly failed to comply with any of the provisions of the Communications Act of 1934, as amended; or of any rule, regulation or order issued by the Commission under that Act or under any treaty, convention, or other agreement to which the United States is a party and which is binding on the United States;

(3) Violated any provision of section 317(c) or 509(a) of the Communications Act; or

(4) Violated any provision of section 1304, 1343, or 1464 of Title 18, United States Code.

A forfeiture penalty assessed under this section is in addition to any other penalty provided for by the Communications Act, except that the penalties provided for in pargraphs (b) (1) and (2) of this section shall not apply to conduct which is subject to a forfeiture penalty under section 202(c), 203(e), 205, 214(d), 219(b), 220(d), 364, 386, or 507 of the Communications Act. The remaining provisions of this section are applicable to such conduct.

(b) *Limits on the amount of the forfeiture assessed*—(1) *Limit for each violation.* The amount of any forfeiture penalty assessed under this section shall not exceed $2,000 for each violation.

(2) *Limits on total penalty.* Each day of a continuing violation shall constitute a separate offense, but the total forfeiture which may be imposed under this section for conduct set

forth in any notice of apparent liability or notice of opportunity for hearing shall not exceed: (i) $20,000, if the violator is a common carrier subject to the provisions of the Communications Act, a broadcast station licensee or permittee, or a cable television system operator, and the violation relates to operation of those facilities, and

(ii) $5,000, in the case of any other violator.

NOTE: For information concerning notices of apparent liability and notices of opportunity for hearing, see paragraphs (e), (f), and (g) of this section.

(3) *Factors considered in determining the amount of the forfeiture penalty.* In determining the amount of the forfeiture penalty, the Commission or its designee will take into account the nature, circumstances, extent and gravity of the violations and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(c) *Limits on the time when a proceeding may be initiated.* (1) In the case of a broadcast station, no forfeiture penalty shall be imposed if the violation occurred more than 3 years prior to the date on which the notice of apparent liability or notice of opportunity for hearing is issued. In addition, no forfeiture penalty shall be imposed if the violation occurred more than 1 year prior to the issuance of the appropriate notice or prior to the date of commencement of the current license term, whichever is earlier.

(2) In the case of a forfeiture imposed against a carrier under sections 202(c), 203(e), and 220(d), no forfeiture will be imposed if the violation occurred more than 5 years prior to the issuance of a notice of apparent liability.

(3) In all other cases, no penalty shall be imposed if the violation occurred more than 1 year prior to the date on which the appropriate notice is issued.

(d) *Preliminary procedure in some cases; citations.* No forfeiture penalty shall be imposed upon any person under this section, if such person does not hold a license, permit, certificate, or other authorization issued by the commission, unless, prior to the issuance of the appropriate notice, such person: (1) Is sent a citation reciting the violation charged; (2) is given a reasonable opportunity (usually 30 days) to request a personal interview with a Commission official, at the field office which is nearest to such person's place of residence; and (3) subsequently engages in conduct of the type described in the citation. However, a forfeiture penalty may be imposed, if such person is engaged in (and the violation relates to) activities for which a license, permit, certificate, or other authorization is required. Paragraph (c) of this section does not limit the issuance of citations. When the requirements of this paragraph have been satisfied with respect to a particular violation by a particular person, a forfeiture penalty may be imposed upon such person for conduct of the type described in the citation without issuance of an additional citation.

(e) *Alternative procedures.* In the discretion of the Commission, a forfeiture proceeding may be initiated either: (1) By issuing a notice of apparent liability, in accordance with paragraph (f) of this section, or (2) a notice of opportunity for hearing, in accordance with paragraph (g).

(f) *Notice of apparent liability.* Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission or its designee will issue a written notice of apparent liability.

(1) *Content of notice.* The notice of apparent liability will: (i) Identify each specific provision, term, or condition of any act, rule, regulation, order, treaty, convention, or other agreement, license, permit, certificate, or instrument of authorization which the respondent has apparently violated or with which he has failed to comply,

(ii) Set forth the nature of the act or omission charged against the respondent and the facts upon which such charge is based,

(iii) State the date(s) on which such conduct occurred, and

(iv) Specify the amount of the apparent forfeiture penalty.

(2) *Delivery.* The notice of apparent liability will be sent to the respondent, by certified mail, at his last known address (see § 1.15).

(3) *Response.* The respondent will be afforded a reasonable period of time (usually 30 days from the date of the notice) to show, in writing, why a forfeiture penalty should not be imposed or should be reduced, or to pay the forfeiture. Any showing as to why the forfeiture should not be imposed or should be reduced shall include a detailed factual statement and such documentation and affidavits as may be pertinent.

(4) *Forfeiture order.* If the proposed forfeiture penalty is not paid in full in response to the notice of apparent liability, the Commission, upon considering all relevant information available to it, will issue an order canceling or reducing the proposed forfeiture or requiring that it be paid in full and stating the date by which the forfeiture must be paid.

(5) *Judicial enforcement of forfeiture order.* If the forfeiture is not paid, the case will be referred to the Department of Justice for collection under section 504(a) of the Communications Act.

(g) *Notice of opportunity for hearing.* The procedures set out in this paragraph will ordinarily be followed only when a hearing is being held for some reason other than the assessment of a forfeiture (such as, to determine whether a renewal application should be granted) and a forfeiture is to be considered as an alternative or in addition to any other Commission action. However, these procedures may be followed whenever the Commission, in its discretion, determines that they will better serve the ends of justice.

(1) Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission will issue a notice of opportunity for hearing. The hearing will be a full evidentiary hearing before an administrative law judge, conducted under procedures set out in subpart B of this part, including procedures for appeal and review of initial decisions. A final Commission order assessing a forfeiture under the provisions of this paragraph is subject to judicial review under section 402(a) of the Communications Act.

(2) If, after a forfeiture penalty is imposed and not appealed or after a court enters final judgment in favor of the Commission, the forfeiture is not paid, the Commission will refer the matter to the Department of Justice for collection. In an action to recover the forfeiture, the validity and appropriateness of the order imposing the forfeiture are not subject to review.

(h) *Payment.* The forfeiture should be paid by check or money order drawn to the order of the Federal Communications Commission. The Commission does not accept responsibility for cash payments sent through the mails. The check or money order should be mailed to the Fee Collection Section, Finance Branch, Federal Communications Commission, Box 19302, Washington, D.C. 20036, or delivered to the Fee Collection Section, Room 209, 1919 M Street NW., Washington, D.C.

(i) *Remission and mitigation.* In its discretion, the Commission, or its designee, may remit or reduce any forfeiture imposed under this section. After issuance of a forfeiture order, any request that it do so shall be submitted as a petition for reconsideration pursuant to § 1.106.

(j) *Effective date.* In accordance with Pub. L. 95-234, February 21, 1978, the provisions of this section govern the imposition of forfeiture involving conduct which took place on or after March 23, 1978. Provisions which govern the imposition of forfeitures involving conduct which took place on or before March 22, 1978 are set out at 47 CFR 1.80, 1.621, and 1.991 (Oct. 1, 1977 ed.).

[43 FR 49308, Oct. 23, 1978]

§ 1.83 Application for radio operator license.

(a) *Commercial radio operator license.* Applications for commercial radio operator licenses shall be filed as follows:

(1) Restricted radiotelephone operator permit.

(i) Applications for a Restricted Radiotelephone Operator Permit filed by U.S. Citizens or Nationals shall be on FCC Form 753 entitled "Application for Restricted Radiotelephone Operator Permit by Declaration."

(ii) Applications for Restricted Radiotelephone Operator Permits filed by aliens shall be on FCC Form 755 entitled "Application for Restricted Radiotelephone Operator Permit (By an Alien)".

(2) *All others.* Application for a new, renewed, replacement or duplicate commercial operator license or for a verification card (FCC Form 758-F) shall be filed on FCC Form 756 entitled "Application for Radio Operator License".

(b) *Amateur radio operator license.* Application for amateur radio operator license is included with the application for station license. See § 1.934.

[28 FR 12415, Nov. 26, 1963, as amended at 39 FR 7423, Feb. 26, 1974; 40 FR 5365, Feb. 5, 1975; 40 FR 52725, Nov. 12, 1975]

§ 1.84 Procedure with respect to commercial radio operator license applications.

(a) Upon acceptance of an application for a license submitted in accordance with Part 13 of this chapter, an examination, if required, is conducted. If applicant is found qualified in all respects, the license will be issued. When doubts as to nationality, character, or physical condition arise, the application is referred to the Commission's Field Offices Division, Field Operations Bureau, Washington, D.C. 20554, for consideration. If it appears that further information is required to determine the applicant's qualifications or that a grant of the application will not serve the public interest, the applicant will be notified in writing and given an opportunity to furnish such written showings as the Commission may request and as the applicant may desire to submit. If, from the information furnished, it does not appear that the applicant is qualified or that the public interest would be served by a grant of the application, the applicant will be advised thereof in writing and given the opportunity to request, within the period of time to be specified in such writing, that the application be set for hearing. In the case of failure timely to request such hearing, the application will be denied.

(b) Where an examination is not required, the application will be handled with respect to other matters in accordance with the procedure in paragraph (a) of this section.

(c) Applications for renewal of license are handled in accordance with the procedure contained in paragraph (a) of this section, except that no examination is required unless the circumstances as set forth in § 13.28 of this chapter exist, in which case a renewal examination will be required.

(d) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

(Sec. 303(l), 48 Stat. 1082, as amended; 47 U.S.C. 303(l))

[29 FR 15965, Nov. 24, 1964, as amended at 36 FR 19439, Oct. 6, 1971; 44 FR 39180, July 5, 1979]

§ 1.85 Suspension of operator licenses.

Whenever grounds exist for suspension of an operator license, as provided in section 303(m) of the Communications Act, the Chief of the Private Radio Bureau, with respect to amateur operator licenses, or the Chief of the Field Operations Bureau, with respect to commercial operator licenses, may issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing said order of suspension shall be designated for hearing by the Chief, Private Radio Bureau, or the Chief, Field Operations Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of the hearing. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D.C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

(Sec. 303(m), 48 Stat. 1082, as amended; 47 U.S.C. 303(m))

[28 FR 10415, Nov. 22, 1963, as amended at 44 FR 39180, July 5, 1979]

§ 1.87 Modification of license or construction permit on motion of the Commission.

(a) Whenever it appears that a station license or construction permit should be modified, the Commission will notify the licensee or permittee in writing of the proposed action and the grounds and reasons therefor and direct him to show cause why an order modifying the license or construction permit in the manner proposed by the Commission should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will notify the licensee or permittee that he may request, within a period of time to be stated in the order to show cause, that a hearing be held on the proposed modification. In case of timely request, a hearing will be held on the proposed modification, in no event less than 30 days after the receipt of the order to show cause, unless the Commission finds that safety of life or property require the fixing of a shorter period.

(c) In order to avail himself of the right to request a hearing and of the opportunity to appear and give evidence upon the matters specified in the order to show cause, the licensee or permittee, in person or by his attorney, shall, within such period of time as may be specified in the order to show cause, file with the Commission a written statement stating that he requests a hearing and will appear at the hearing and present evidence on the matter specified in the order to show cause. Such written statement must contain a detailed response to the matter specified in the order to show cause, and the permittee or licensee shall be limited in the hearing to matters fairly encompassed within the issues raised by the response.

(d) The right to request a hearing shall, unless good cause is shown in a petition to be filed not later than 5 days before the lapse of the time specified in paragraph (c) of this section, be deemed waived:

(1) In case of failure to timely file a written statement as required by paragraph (c) of this section;

(2) In case of filing the written statement provided for in paragraph (c) of this section but failure to appear at the hearing, either in person or by counsel.

(e) Where the right to request a hearing is waived and no written statement has been filed within the period of time specified in the order to show cause, the licensee or permittee will be deemed to consent to the modification as proposed in the order to show cause and a final decision will be issued by the Commission accordingly.

(f) Where the right to request a hearing has been waived, a written statement may be filed within the period of time to be specified in the order to show cause, showing with particularity why the license or construction permit should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may, depending upon the facts alleged and proof offered, either call upon the submitting party to furnish additional information under oath, designate the proceeding for hearing, or issue without further proceedings an order modifying the construction permit or license as proposed in the order to show cause or in said written statement. The order to show cause will advise the person against whom it is directed of procedure set forth in this paragraph.

(g) Any order of modification issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor, shall specify the effective date of the order, and shall be served on the licensee or permittee.

(Sec. 12, 66 Stat. 717; 47 U.S.C. 316)

§ 1.88 Predesignation pleading procedure.

In cases where an investigation is being conducted by the Commission in connection with the operation of a broadcast station or a pending application for renewal of a broadcast license, the licensee may file a written statement to the Commission setting forth its views regarding the matters under investigation; the staff, in its discretion, may in writing, advise such licensee of the general nature of the investigation, and advise the licensee of its opportunity to submit such a statement to the staff. Any filing by the licensee will be forwarded to the Commission in conjunction with any staff memorandum recommending that the Commission take action as a result of the invesigation. Nothing in this rule shall supersede the application of our ex parte rules to situations described in § 1.1203 of these rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

[45 FR 65597, Oct. 3, 1980]

§ 1.89 Notice of violations.

(a) Except in cases of wilfulness or those in which public health, interest, or safety requires otherwise, any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension, or cease and desist proceedings are instituted, be served with a written notice calling these facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose. The Notice of Violation may be combined with a Notice of Apparent Liability to Monetary Forfeiture. In such event, notwithstanding the Notice of Violation, the provisions of § 1.80 apply and not those of § 1.89.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of action taken to correct the condition or omission complained of and to preclude its recurrence. In addition:

(1) If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus and any new apparatus is to be installed, the answer shall state the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application.

(2) If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

[28 FR 12415, Nov. 22, 1963, as amended at 39 FR 41257, Nov. 26, 1974]

§ 1.91 Revocation and/or cease and desist proceedings; hearings.

(a) If it appears that a station license or construction permit should be revoked and/or that a cease and desist order should be issued, the Commission will issue an order directing the person to show cause why an order of revocation and/or a cease and desist order, as the facts may warrant, should not be issued.

(b) An order to show cause why an order of revocation and/or a cease and desist order should not be issued will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the person to whom it is directed (the respondent) to appear before the Commission at a hearing, at a time and place stated in the order, but not less than thirty days after the receipt of such order, and given evidence upon the matters specified in the order to show cause. However, if safety of life or property is involved, the order to show cause may specify a hearing date less than thirty days from the receipt of such order.

(c) To avail himself of such opportunity for hearing, the respondent, personally or by his attorney, shall file with the Commission, within thirty days of the service of the order or such shorter period as may be specified therein, a written appearance stating that he will appear at the hearing and present evidence on the matters specified in the order. The Commission in its discretion may accept a late appearance. However, an appearance tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petition for acceptance of late appearance will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(d) Hearings on the matters specified in such orders to show cause shall accord with the practice and procedure prescribed in this subpart and Subpart B of this part, with the following exceptions: (1) In all such revocation and/or cease and desist hearings, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission; and (2) the Commission may specify in a show cause order, when the circumstances of the proceeding require expedition, a time less than that prescribed in §§ 1.276 and 1.277 within which the initial decision in the proceeding shall become effective, exceptions to such initial decision must be filed, parties must file requests for oral argument, and parties must file notice of intention to participate in oral argument.

(e) Correction of or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or a cease and desist order should be issued.

(f) Any order of revocation and/or cease and desist order issued after hearing pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the person to whom such order is directed.

(Sec. 312, 48 Stat. 1086, as amended; 47 U.S.C. 312)

§ 1.92 Revocation and/or cease and desist proceedings; after waiver of hearing.

(a) After the issuance of an order to show cause, pursuant to § 1.91, calling upon a person to appear at a hearing before the Commission, the occurrence of any one of the following events or circumstances will constitute a waiver of such hearing and the proceeding thereafter will be conducted in accordance with the provisions of this section.

(1) The respondent fails to file a timely written appearance as prescribed in § 1.91(c) indicating that he will appear at a hearing and present evidence on the matters specified in the order.

(2) The respondent, having filed a timely written appearance as prescribed in § 1.91(c), fails in fact to appear in person or by his attorney at the time and place of the duly scheduled hearing.

(3) The respondent files with the Commission, within the time specified for a written appearance in § 1.91(c), a written statement expressly waiving his rights to a hearing.

(b) When a hearing is waived under the provisions of paragraph (a) (1) or (3) of this section, a written statement signed by the respondent denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause may be submitted within the time specified in § 1.91(c). The Commission in its discretion may accept a late statement.

However, a statement tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petitions for acceptance of a late statement will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(c) Whenever a hearing is waived by the occurrence of any of the events or circumstances listed in paragraph (a) of this section, the Chief Administrative Law Judge (or the presiding officer if one has been designated) shall, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. Such order shall be served upon the respondent.

(d) After a hearing proceeding has been terminated pursuant to paragraph (c) of this section, the Commission will act upon the matters specified in the order to show cause in the regular course of business. The Commission will determine on the basis of all the information available to it from any source, including such further proceedings as may be warranted, if a revocation order and/or a cease and desist order should issue, and if so, will issue such order. Otherwise, the Commission will issue an order dismissing the proceeding. All orders specified in this paragraph will include a statement of the findings of the Commission and the grounds and reasons therefor, will specify the effective date thereof, and will be served upon the respondent.

(e) Corrections or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or a cease and desist order should be issued.

(Sec. 312, 48 Stat. 1086, as amended; 47 U.S.C. 312)

[28 FR 12415, Nov. 22, 1963, as amended at 29 FR 6443, May 16, 1964; 37 FR 19372, Sept. 20, 1972]

§ 1.93 Consent orders.

(a) As used in this subpart, a "consent order" is a formal decree accepting an agreement between a party to an adjudicatory hearing proceeding held to determine whether that party has violated statutes or Commission rules or policies and the appropriate operating Bureau, with regard to such party's future compliance with such statutes, rules or policies, and disposing of all issues on which the proceeding was designated for hearing. The order is issued by the officer designated to preside at the hearing or (if no officer has been designated) by the Chief Administrative Law Judge.

(b) Where the interests of timely enforcement or compliance, the nature of the proceeding, and the public interest permit, the Commission, by its operating Bureaus, may negotiate a consent order with a party to secure future compliance with the law in exchange for prompt disposition of a matter subject to administrative adjudicative proceedings. Consent orders may not be negotiated with respect to matters which involve a party's basic statutory qualifications to hold a license (see 47 U.S.C. 308 and 309).

[41 FR 14871, Apr. 8, 1976]

§ 1.94 Consent order procedures.

(a) Negotiations leading to a consent order may be initiated by the operating Bureau or by a party whose possible violations are issues in the proceeding. Negotiations may be initiated at any time after designation of a proceeding for hearing. If negotiations are initiated the presiding officer shall be notified. Parties shall be prepared at the initial prehearing conference to state whether they are at that time willing to enter negotiations. See § 1.248(c)(7). If either party is unwilling to enter negotiations, the hearing proceeding shall proceed. If the parties agree to enter negotiations, they will be afforded an appropriate opportunity to negotiate before the hearing is commenced.

(b) Other parties to the proceeding are entitled, but are not required, to participate in the negotiations, and may join in any agreement which is reached.

(c) Every agreement shall contain the following:

(1) An admission of all jurisdictional facts;

(2) A waiver of the usual procedures for preparation and review of an initial decision;

(3) A waiver of the right of judicial review or otherwise to challenge or contest the validity of the consent order;

(4) A statement that the designation order may be used in construing the consent order;

(5) A statement that the agreement shall become a part of the record of the proceeding only if the consent order is signed by the presiding officer and the time for review has passed without rejection of the order by the Commission;

(6) A statement that the agreement is for purposes of settlement only and that its signing does not constitute an admission by any party of any violation of law, rules or policy (see 18 U.S.C. 6002); and

(7) A draft order for signature of the presiding officer resolving by consent, and for the future, all issues specified in the designation order.

(d) If agreement is reached, it shall be submitted to the presiding officer or Chief Administrative Law Judge, as the case may be, who shall either sign the order, reject the agreement, or suggest to the parties that negotiations continue on such portion of the agreement as he considers unsatisfactory or on matters not reached in the agreement. If he rejects the agreement, the hearing shall proceed. If he suggests further negotiations, the hearing will proceed or negotiations will continue, depending on the wishes of parties to the agreement. If he signs the consent order, he shall close the record.

(e) Any party to the proceeding who has not joined in any agreement which is reached may appeal the consent order under § 1.302, and the Commission may review the agreement on its own motion under the provisions of that section. If the Commission rejects the consent order, the proceeding will be remanded for further proceedings. If the Commission does not reject the consent order, it shall be entered in the record as a final order and is subject to judicial review on the initiative only of parties to the proceeding who did not join in the agreement. The Commission may revise the agreement and consent order. In that event, private parties to the agreement may either accept the revision or withdraw from the agreement. If the party whose possible violations are issues in the proceeding withdraws from the agreement, the consent order will not be issued or made a part of the record, and the proceeding will be remanded for further proceedings.

(f) The provisions of this section shall not alter any existing procedure for informal settlement of any matter prior to designation for hearing (see, e.g., 47 U.S.C. 208) or for summary decision after designation for hearing.

(g) Consent orders, pleadings relating thereto, and Commission orders with respect thereto shall be served on parties to the proceeding. Public notice will be given of orders issued by an administrative law judge, the Chief Administrative Law Judge, or the Commission. Negotiating papers constitute work product, are available to parties participating in negotiations, but are not routinely available for public inspection.

[41 FR 14871, Apr. 8, 1976]

§ 1.95 Violation of consent orders.

Violation of a consent order shall subject the consenting party to any and all sanctions which could have been imposed in the proceeding resulting in the consent order if all of the issues in that proceeding had been decided against the consenting party and to any further sanctions for violation noted as agreed upon in the consent order. The Commission shall have the burden of showing that the consent order has been violated in some (but not in every) respect. Violation of the consent order and the sanctions to be imposed shall be the only issues considered in a proceeding concerning such an alleged violation.

[41 FR 14871, Apr. 8, 1976]

RECONSIDERATION AND REVIEW OF ACTIONS TAKEN BY THE COMMISSION AND PURSUANT TO DELEGATED AUTHORITY; EFFECTIVE DATES AND FINALITY DATES OF ACTIONS

§ 1.101 General provisions.

Under section 5(d) of the Communications Act of 1934, as amended, the Commission is authorized, by rule or order, to delegate certain of its functions to a panel of commissioners, an individual commissioner, an employee board, or an individual employee. Section 0.201(a) of this chapter describes in general terms the basic categories of delegations which are made by the Commission. Subpart B of Part 0 of this chapter sets forth all delegations which have been made by rule. Sections 1.102-1.120 set forth procedural rules governing reconsideration and review of actions taken pursuant to authority delegated under section 5(d) of the Communications Act, and reconsideration of actions taken by the Commission. As used in §§ 1.102-1.117, the term "designated authority" means any person, panel, or board which has been authorized by rule or order to exercise authority under section 5(d) of the Communications Act.

§ 1.102 Effective dates of actions taken pursuant to delegated authority.

(a) *Final actions following review of an initial decision.* (1) Final decisions of the Review Board, a commissioner, or panel of commissioners following review of an initial decision shall be effective 40 days after public release of the full text of such final decision.

(2) If a petition for reconsideration of such final decision is filed, the effect of the decision is stayed until 40 days after release of the final order disposing of the petition.

(3) If an application for review of such final decision is filed, or if the Commission on its own motion orders the record of the proceeding before it for review, the effect of the decision is stayed until the Commission's review of the proceeding has been completed.

(b) *Non-hearing and interlocutory actions.* (1) Non-hearing or interlocutory actions taken pursuant to delegated authority shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question.

(2) If a petition for reconsideration of a non-hearing action is filed, the designated authority may in its discretion stay the effect of its action pending disposition of the petition for reconsideration. Petitions for reconsideration of interlocutory actions will not be entertained.

(3) If an application for review of a non-hearing or interlocutory action is filed, or if the Commission reviews the action on its own motion, the Commission may in its discretion stay the effect of any such action until its review of the matters at issue has been completed.

§ 1.103 Effective dates of Commission actions; finality of Commission actions.

(a) Unless otherwise specified by law or Commission rule (e.g. Sections 1.102 and 1.427), the effective date of any Commission action shall be the date of public notice of such action as that latter date is defined in § 1.4(b) of these rules: *Provided,* That the Commission may, on its own motion or on motion by any party, designate an effective date that is either earlier or later in time than the date of public notice of such action. The designation of an earlier or later effective date shall have no effect on any pleading periods.

(b) Notwithstanding any determinations made under subsection (a) of this section, Commission action shall be deemed final, for purposes of seeking reconsideration at the Commission or judicial review, on the date of public notice as defined in § 1.4(b) of these rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 18556, Mar. 25, 1981]

§ 1.104 Preserving the right of review; deferred consideration of application for review.

(a) The provisions of this section apply to all final actions taken pursuant to delegated authority, including final decisions of the Review Board following review of an initial decision and final actions taken by members of the Commission's staff on nonhearing matters. They do not apply to interlocutory actions of the Chief Administrative Law Judge in hearing proceedings, or to hearing designation orders issued under delegated authority. See §§ 0.351, 1.106(a) and 1.115(e).

(b) Any person desiring Commission consideration of a final action taken pursuant to delegated authority shall file either a petition for reconsideration or an application for review (but not both) within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules. The petition for reconsideration will be acted on by the designated authority or referred by such authority to the Commission: *Provided,* That a petition for reconsideration of an order designating a matter for hearing will in all cases be referred to the Commission. The application for review will in all cases be acted upon by the Commission.

NOTE: In those cases where the Commission does not intend to release a document containing the full text of its action, it will state that fact in the public notice announcing its action.

(c) If in any matter one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the application for review until final action has been taken on the petition for reconsideration.

(d) Any person who has filed a petition for reconsideration may file an application for review within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules. If a petition for reconsideration has been filed, any person who has filed an application for review may: (1) Withdraw his application for review, or (2) substitute an amended application therefor.

NOTE: In those cases where the Commission does not intend to release a document containing the full text of its action, it will state that fact in the public notice announcing its action.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12415, Nov. 22, 1963, as amended at 41 FR 14871, Apr. 8, 1976; 44 FR 60294, Oct. 19, 1979; 46 FR 18556, Mar. 25, 1981]

§ 1.106 Petitions for reconsideration.

(a)(1) Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of a final decision of the Review Board will be acted on by the Board or certified to the Commission (see § 0.361 (b) and (c) of this chapter). Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission. A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. Petitions for reconsideration of other interlocutory actions will not be entertained. (For provisions governing reconsideration of Commission action in notice and comment rule making proceedings, see § 1.429. This § 1.106 does not govern reconsideration of such actions.)

(2) Within the period allowed for filing a petition for reconsideration, any party to the proceeding may request the presiding officer to certify to the Commission the question as to whether, on policy in effect at the time of designation or adopted since designation, and undisputed facts, a hearing should be held. If the presiding officer finds that there is substantial doubt, on established policy and undisputed facts, that a hearing should be held, he will certify the policy question to the Commission with a statement to that effect. No appeal may be filed from an order denying such a request. See also, §§ 1.229 and 1.251.

(b)(1) Subject to the limitations set forth in paragraph (b)(2) of this section, any party to the proceeding, or any other person whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken. If the petition is filed by a person who is not a party to the proceeding, it shall state with particularity the manner in which the person's interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding.

(2) Where the Commission has denied an application for review, a petition for reconsideration will be entertained only if one or more of the following circumstances is present:

(i) The petition relies on facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or

(ii) The petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.

(3) A petition for reconsideration of an order denying an application for review which fails to rely on new facts or changed circumstances may be dismissed by the staff as repetitious.

(c) A petition for reconsideration which relies on facts not previously presented to the Commission or to the designated authority may be granted only under the following circumstances:

(1) The facts fall within one or more of the categories set forth in § 1.106(b)(2); or

(2) The Commission or the designated authority determines that consideration of the facts relied on is required in the public interest.

(d)(1) The petition shall state with particularity the respects in which petitioner believes the action taken by the Commission or the designated authority should be changed. The petition shall state specifically the form or relief sought and, subject to this requirement, may contain alternative requests.

(2) The petition for reconsideration shall also, where appropriate, cite the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed. The petition may request that additional findings of fact and conclusions of law be made.

(e) Where a petition for reconsideration is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station or a station for which a construction permit is outstanding, such petition, in addition to meeting the other requirements of this section, must be accompanied by an affidavit of a qualified radio engineer. Such affidavit shall show, either by following the procedures set forth in this chapter for determining interference in the absence of measurements, or by actual measurements made in accordance with the methods prescribed in this chapter, that electrical interference will be caused to the station within its normally protected contour.

(f) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action, as that date is defined in § 1.4(b) of these rules, and shall be served upon parties to the proceeding. The petition for reconsideration shall not exceed 25 double spaced typewritten pages. No supplement or addition to a petition for reconsideration which has not been acted upon by the Commission or by the designated authority, filed after expiration of the 30 day period, will be considered except upon leave granted upon a separate pleading for leave to file, which shall state the grounds therefor.

(g) Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed, and shall be served upon petitioner and parties to the proceeding. Oppositions shall not exceed 25 double spaced typewritten pages.

(h) Petitioner may reply to oppositions within seven days after the last day for filing oppositions, and any such reply shall be served upon parties to the proceeding. Replies shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

(i) Petitions for reconsideration, oppositions, and replies shall conform to the requirements of §§ 1.49, 1.51, and 1.52 and shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554.

(j) The Commission or designated authority may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Where the petition for reconsideration relates to an instrument of authorization granted without hearing, the Commission or designated authority will take such action within 90 days after the petition is filed.

(k)(1) If the Commission or the designated authority grants the petition for reconsideration in whole or in part, it may, in its decision:

(i) Simultaneously reverse or modify the order from which reconsideration is sought;

(ii) Remand the matter to a bureau or other Commission personnel for such further proceedings, including rehearing, as may be appropriate; or

(iii) Order such other proceedings as may be necessary or appropriate.

(2) If the Commission or designated authority initiates further proceedings, a ruling on the merits of the matter will be deferred pending completion of such proceedings. Following completion of such further proceedings, the Commission or designated authority may affirm, reverse, or modify its original order, or it may set aside the order and remand the matter for such further proceedings, including rehearing, as may be appropriate.

(3) Any order disposing of a petition for reconsideration which reverses or modifies the original order is subject to the same provisions with respect to reconsideration as the original order. In no event, however, shall a ruling which denies a petition for reconsideration be considered a modification of the original order. A petition for reconsideration of an order which has been previously denied on reconsideration may be dismissed by the staff as repetitious.

NOTE: For purposes of this section, the word "order" refers to that portion of its action wherein the Commission announces its judgment. This should be distinguished from the "memorandum opinion" or other material which often accompany and explain the order.

(l) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or the designated authority believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(m) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission or by the designated authority, except where the person seeking such review was not a party to the proceeding resulting in the action, or relies on questions of fact or law upon which the Commission or designated authority has been afforded no opportunity to pass. (See § 1.115(c).) Persons in those categories who meet the requirements of this section may qualify to seek judicial review by filing a petition for reconsideration.

(n) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown, the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration. (This paragraph applies only to actions of the Commission en banc. For provisions applicable to actions under delegated authority, see § 1.102.)

(Secs. 4, 303, 307, 405, 48 Stat., as amended, 1066, 1082, 1083, 1095; 47 U.S.C. 154, 303, 307, 405)

[28 FR 12415, Nov. 22, 1963, as amended at 37 FR 7507, Apr. 15, 1972; 41 FR 1287, Jan. 7, 1976; 44 FR 60294, Oct. 19, 1979; 46 FR 18556, Mar. 25, 1981]

§ 1.108 Reconsideration on Commission's own motion.

The Commission may, on its own motion, set aside any action made or taken by it within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12415, Nov. 22, 1963, as amended at 46 FR 18556, Mar. 25, 1981]

§ 1.110 Partial grants; rejection and designation for hearing.

Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.113 Action modified or set aside by person, panel, or board.

(a) Within 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.

(b) Within 60 days after notice of any sanction imposed under delegated authority has been served on the person affected, the person, panel, or board which imposed the sanction may modify or set it aside on its own motion.

(c) Petitions for reconsideration and applications for review shall be directed to the actions as thus modified, and the time for filing such pleadings shall be computed from the date upon which public notice of the modified action is given or notice of the modified sanction is served on the person affected.

§ 1.115 Application for review of action taken pursuant to delegated authority.

(a) Any person aggrieved by any action taken pursuant to delegated authority may file an application requesting review of that action by the Commission. Any person filing an application for review who has not previously participated in the proceeding shall include with his application a statement describing with particularity the manner in which he is aggrieved by the action taken and showing good reason why it was not possible for him to participate in the earlier stages of the proceeding. Any application for review which fails to make an adequate showing in this respect will be dismissed.

(b)(1) The application for review shall concisely and plainly state the questions presented for review with reference, where appropriate, to the findings of fact or conclusions of law.

(2) Except as provided in paragraph (b)(5) of this section, the application for review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:

(i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.

(ii) The action involves a question of law or policy which has not previously been resolved by the Commission.

(iii) The action involves application of a precedent or policy which should be overturned or revised.

(iv) An erroneous finding as to an important or material question of fact.

(v) Prejudicial procedural error.

(3) The application for review shall state with particularity the respects in which the action taken by the designated authority should be changed.

(4) The application for review shall state the form of relief sought and, subject to this requirement, may contain alternative requests.

(5) The application for review of a final decision of the Review Board

shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented: (i) The Board's findings are not supported by substantial evidence in the record as a whole; (ii) the Board's decision involves prejudicial errors of substantive or procedure law; (iii) the Board's decision is arbitrary or capricious; (iv) the Board's decision conflicts with Commission policy; or (v) the Board's decision raises a novel or important issue of law or policy which warrants Commission review.

NOTE: If the Commission grants an application for review of a final decision of the Review Board, it will generally permit the parties to file briefs and present oral argument. Thus, the application for review should be prepared with the understanding that its purpose is not to obtain a Commission decision on the merits of the issues but rather to convince the Commission to review those issues.

(c) No application for review will be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass.

NOTE: Subject to the requirements of § 1.106, new questions of fact or law may be presented to the designated authority in a petition for reconsideration.

(d) Except as provided in paragraph (e) of this section, the application for review and any supplement thereto shall be filed within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules. Oppositions to the application shall be filed within 15 days after the application is filed. Replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the opposition.

(e)(1) Applications for review of interlocutory rulings made by the Chief Administrative Law Judge (see § 0.351) shall be deferred until the time when exceptions are filed unless the Chief Judge certifies the matter to the Commission for review. A matter shall be certified to the Commission only if the Chief Judge determines that it presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The request to certify the matter to the Commission shall be filed within 5 days after the ruling is made. The applicaton for review shall be filed within 5 days after the order certifying the matter to the Commission is released or such ruling is made. Oppositions shall be filed within 5 days after the application is filed. Replies to oppositions shall be filed only if they are requested by the Commission. Replies (if allowed) shall be filed within 5 days after they are requested. A ruling certifying or not certifying a matter to the Commission is final: *Provided, however,* That the Commission may, on its own motion, dismiss the application for review on the ground that objections to the ruling should be deferred and raised as an exception. Applications for review of interlocutory rulings made by the Review Board (see § 0.365(d)) shall be filed only as part of the application for review of the Board's final decision.

(2) The failure to file an application for review of an interlocutory ruling made by the Chief Administrative Law Judge or the denial of such application by the Commission, shall not preclude any party entitled to file exceptions to the initial decision from requesting review of the ruling at the time when exceptions are filed. Such requests will be considered in the same manner as exceptions are considered.

(3) Applications for review of a designation order issued under delegated authority shall be filed within 5 days after the order is released. Oppositions shall be filed within 5 days after the application for review is filed. Replies (if allowed) shall be filed within 5 days after they are requested.

(f) Applications for review, oppositions and replies shall conform to the requirements of §§ 1.49, 1.51 and 1.52, and shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554. The application for review shall be served upon the parties to the proceeding. Oppositions to the application for review shall be served on the person seeking review and on parties to the proceeding. Applications for review of final decisions of the Review Board, and oppositions thereto, shall not exceed 10 double-spaced typewritten pages. Applications for review of interlocutory actions in hearing proceedings (including designation orders) and oppositions thereto, shall not exceed 5 double-spaced typewritten pages. Applications for review of other actions, and oppositions thereto, shall not exceed 25 double-spaced typewritten pages. Replies to oppositions shall be filed only if requested by the Commission and, if requested, shall not exceed 5 double-spaced typewritten pages. If the Commission grants review of a Review Board final decision, the parties may file briefs and reply briefs, which shall not exceed 25 double-spaced typewritten pages. Briefs shall be filed within 30 days after release of the order granting review. Reply briefs shall be filed within 10 days after the last day for filing briefs.

(g) The Commission may grant the application for review in whole or in part, or it may deny the application with or without specifying reasons therefor. A petition requesting reconsideration of a ruling which denies an application for review will be entertained only if one or more of the following circumstances is present:

(1) The petition relies on facts which related to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or

(2) The petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.

(h)(1) If the Commission grants the application for review in whole or in part, it may, in its decision:

(i) Simultaneously reverse or modify the order from which review is sought;

(ii) Remand the matter to the designated authority for reconsideration in accordance with its instructions, and, if an evidentiary hearing has been held, the remand may be to the person(s) who conducted the hearing; or

(iii) Order such other proceedings, including briefs and oral argument, as may be necessary or appropriate.

(2) In the event the Commission orders further proceedings, it may stay the effect of the order from which review is sought. (See § 1.102.) Following the completion of such further proceedings the Commission may affirm, reverse or modify the order from which review is sought, or it may set aside the order and remand the matter to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the matter to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate.

NOTE: For purposes of this section, the word "order" refers to that portion of its action wherein the Commission announces its judgment. This should be distinguished from the "memorandum opinion" or other material which often accompany and explain the order.

(i) An order of the Commission which reverses or modifies the action taken pursuant to delegated authority is subject to the same provisions with respect to reconsideration as an original order of the Commission. In no event, however, shall a ruling which denies an application for review be considered a modification of the action taken pursuant to delegated authority.

(j) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(k) The filing of an application for review shall be a condition precedent to judicial review of any action taken pursuant to delegated authority.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12415, Nov. 22, 1963, as amended at 41 FR 14871, Apr. 8, 1976; 44 FR 60295, Oct. 19, 1979; 46 FR 18556, Mar. 25, 1981]

§ 1.117 Review on motion of the Commission.

(a) Within 40 days after public notice is given of any action taken pursuant to delegated authority, the Commission may on its own motion order the record of the proceeding before it for review.

(b) If the Commission reviews the proceeding on its own motion, it may order such further procedure as may be useful to it in its review of the action taken pursuant to delegated authority.

(c) With or without such further procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

§ 1.120 Protests of grants without hearing.

(a) The provisions of this section shall not be applicable to any application: (1) Filed on or after December 12, 1960; (2) filed before December 12, 1960, but substantially amended (as defined in the applicable provisions of this chapter) on or after that date; or (3) filed before December 12, 1960, and not thereafter substantially amended, but with respect to which the rules in this chapter provide an opportunity for petitions to deny to be filed under section 309 of the Communications Act, as amended. See §§ 1.580 and 1.962.

(b) Where any instrument of authorization for a radio station, other than a license pursuant to a construction permit, has been granted without a hearing, any party in interest may file a protest directed to such grant and request a hearing on the application granted. Such protest shall be signed by the protestant and subscribed to under oath. Such protest must be filed with the Commission within 30 days after release of the document containing the full text of such action, or in case such a document is not released, after release of a "Public Notice" announcing the action in question and must separately set forth:

(1) Such allegations of fact as will show the protestant to be a party in interest, i.e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.

(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Each such reason shall be separately stated, and facts in support thereof shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

(3) The specific issues upon which protestant wishes a hearing to be held, which issues must relate directly to a matter specified with particularity as part of paragraph (b)(2) of this section.

(c) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded from the protest itself.

(d) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (i) of this section, deemed appropriate to the Commission's resolution of the protest. Such oppositions and supporting briefs must be filed within 10 days after the filing of such protest, and any replies to such oppositions must be filed within 5 days after the filing of the oppositions.

(e) Protests, oppositions, and replies shall be filed with the Commission in original and 14 copies and shall be accompanied by proof of service upon the grantee or the protestant, as the case may be, and/or their respective attorneys.

(f) The Commission may upon consideration of a protest direct either the protestant or grantee or both to submit further statements of fact under oath relating to the matters raised in the protest.

(g) Within 30 days from the date of the filing of the protest, the Commission will enter findings as to whether such protest meets the requirements set forth in paragraphs (b) (1) and (2) of this section. If the Commission finds that one of these requirements is not met, it will dismiss the protest. If the Commission finds that these requirements are met, it will designate the application in question for hearing. As to issues which the Commission believes present no grounds for setting aside the grant, even if the facts alleged were to be proven, the Commission may designate such issues for oral argument only. The other issues will be designated for evidentiary hearing except that the Commission may redraft the issues in accordance with the facts or substantive matters alleged in the protest and may also specify such additional issues as it deems desirable. In any evidentiary hearing subsequently held upon issues specified by the Commission, upon its own initiative or adopted by it, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the grantee. With respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(h) The procedure in such protest hearing shall be governed by the provisions of Subpart B of this part, except as otherwise provided in this section.

(i) Pending hearing and decision, the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service or unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

(Sec. 7, 66 Stat. 715, as amended. See, in particular, sec. 4 (a) and (d), 74 Stat. 889, 892; 47 U.S.C. 309)

[28 FR 12415, Nov. 22, 1963, as amended at 28 FR 14503, Dec. 31, 1963]

Subpart B—Hearing Proceedings

Source: 28 FR 12425, Nov. 22, 1963, unless otherwise noted.

Nomenclature Changes: 37 FR 19372, Sept. 20, 1972.

General

§ 1.201 Scope.

This subpart shall be applicable to the following cases which have been designated for hearing:

(a) Adjudication (as defined by the Administrative Procedure Act); and

(b) Rule making proceedings which are required by law to be made on the record after opportunity for a Commission hearing.

Note: For special provisions relating to consideration of standard broadcast applications in the light of the 1950 NARBA and the U.S./Mexican Agreement, see § 1.570.

§ 1.202 Official reporter; transcript.

The Commission will designate from time to time an official reporter for the recording and transcribing of hearing proceedings. The transcript of the testimony taken, or argument had, at any hearing will not be furnished by the Commission, but will be open to inspection under § 0.453(a)(1) of this chapter. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

(5 U.S.C. 556)

[32 FR 20861, Dec. 28, 1967]

§ 1.203 The record.

The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision. Where any decision rests on official notice of a material fact not appearing in the record, any party shall on timely request be afforded an opportunity to show the contrary.

(5 U.S.C. 556)

§ 1.204 Pleadings; definition.

As used in this subpart, the term "pleading" means any written notice, motion, petition, request, opposition, reply, brief, proposed findings, exceptions, memorandum of law, or other paper filed with the Commission in a hearing proceeding. It does not include exhibits or documents offered in evidence. See § 1.356.

[29 FR 8219, June 30, 1964]

§ 1.205 Continuances and extensions.

Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the presiding officer upon motion for good cause shown, unless the time for performance or filing is limited by statute.

§ 1.207 Interlocutory matters, reconsideration and review; cross references.

(a) Rules governing interlocutory pleadings in hearing proceedings are set forth in §§ 1.291-1.298.

(b) Rules governing appeal from rulings made by the presiding officer are set forth as §§ 1.301 and 1.302.

(c) Rules governing the reconsideration and review of actions taken pursuant to delegated authority, and the reconsideration of actions taken by the Commission, are set forth in §§ 1.101-1.120.

[28 FR 12425, Nov. 22, 1963, as amended at 29 FR 6443, May 16, 1964; 36 FR 19439, Oct. 6, 1971]

§ 1.209 Identification of responsible officer in caption to pleading.

Each pleading filed in a hearing proceeding shall indicate in its caption whether it is to be acted upon by the Commission, the Review Board, the Chief Administrative Law Judge, or the presiding officer. If it is to be acted upon by the presiding officer, he shall be identified by name.

[29 FR 8219, June 30, 1964, as amended at 37 FR 19372, Sept. 20, 1972]

§ 1.211 Service.

Except as otherwise expressly provided in this chapter, all pleadings filed in a hearing proceeding shall be served upon all other counsel in the proceeding or, if a party is not represented by counsel, then upon such party. All such papers shall be accompanied by proof of service. For provisions governing the manner of service, see § 1.47.

[29 FR 8219, June 30, 1964]

PARTICIPANTS AND ISSUES

§ 1.221 Notice of hearing; appearances.

(a) Upon designation of an application for hearing, the Commission issues an order containing the following:

(1) A statement as to the reasons for the Commission's action.

(2) A statement as to the matters of fact and law involved, and the issues upon which the application will be heard.

(3) A statement as to the time, place, and nature of the hearing. (If the time and place are not specified, the order will indicate that the time and place will be specified at a later date.)

(4) A statement as to the legal authority and jurisdiction under which the hearing is to be held.

(b) The order designating an application for hearing is mailed to the applicant by the Secretary of the Commission and is published in the FEDERAL REGISTER. Reasonable notice of hearing will be given to the parties in all proceedings; and, whenever possible, the Commission will give at least 60 days notice of comparative hearings.

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the application will be dismissed with prejudice for failure to prosecute.

(d) The Commission will on its own motion name as parties to the hearing any person found to be a party in interest.

(e) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to paragraph (d) of this section shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate, stating that he will appear at the hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

(5 U.S.C. 554. Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.223 Petitions to intervene.

(a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, the Commission has failed to notify and name as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing, under oath and not more than 30 days after the publication in the Federal Register of the hearing issues or any substantial amendment thereto, a petition for intervention showing the basis of its interest. Where such person's interest is based upon a claim that a grant of the application would cause objectionable interference under applicable provisions of this chapter to such person as a licensee or permittee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures prescribed in this chapter for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed in this chapter, the extent of such interference. Where the person's status as a party in interest is established, the petition to intervene will be granted.

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 30 days after the publication in the Federal Register of the hearing issues or any substantial amendment thereto. The petition must set forth the interest of petitioner in the proceedings, must show how such petitioner's participation will assist the Commission in the determination of the issues in question, must set forth any proposed issues in addition to those already designated for hearing, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The presiding officer, in his discretion, may grant or deny such petition or may permit intervention by such persons limited to particular stage of the proceeding.

(c) Any person desiring to file a petition for leave to intervene later than 30 days after the publication in the Federal Register of the hearing issues or any substantial amendment thereto shall set forth the interest of petitioner in the proceeding, show how such petitioner's participation will assist the Commission in the determination of the issues in question, must set forth any proposed issues in addition to those already designated for hearing, and must set forth reasons why it was not possible to file a petition within the time prescribed by paragraphs (a) and (b) of this section. Such petition shall be accompanied by the affidavit of a person with knowledge of the facts set forth in the petition, and where petitioner claims that a grant of the application would cause objectionable interference under applicable provisions of this chapter, the petition to intervene must be accompanied by the affidavit of a qualified radio engineer showing the extent of such alleged interference according to the methods prescribed in paragraph (a) of the section. If, in the opinion of the presiding officer, good cause is shown for the delay in filing, he may in his discretion grant such petition or may permit intervention limited to particular issues or to a particular stage of the proceeding.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

[28 FR 12425, Nov. 22, 1963, as amended at 29 FR 7821, June 19, 1964; 41 FR 14872, Apr. 8, 1976]

§ 1.224 Motion to proceed in forma pauperis.

(a) A motion to proceed in forma pauperis may be filed by an individual, a corporation, and unincorporated entity, an association or other similar group, if the moving party is either of the following:

(1) A respondent in a revocation proceeding, or a renewal applicant, who cannot carry on his livelihood without the radio license at stake in the proceeding; or

(2) An intervenor in a hearing proceeding who is in a position to introduce testimony which is of probable decisional significance, on a matter of substantial public interest importance, which cannot, or apparently will not, be introduced by other parties to the proceeding, and who is not seeking personal financial gain.

(b) In the case of a licensee, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that he cannot, because of his poverty, pay the expenses of litigation and still be able to provide himself and his dependents with the necessities of life. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall detail the income and assets of the individual and his financial obligations and responsibilities, and shall contain an estimate of the cost of participation in the proceeding. Personal financial information may be submitted to the presiding officer in confidence.

(c)(1) In the case of an individual intervenor, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that he is eligible under paragraph (a) of this section and that he has dedicated financial resources to sustain his participation which are reasonable in light of his personal resources and other demands upon them but are inadequate for effective participation in the proceeding. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall detail the income and assets of the individual and his immediate family and his financial obligations and responsibilities, and shall contain an estimate of the cost of participation. Personal financial information may be submitted to the presiding officer in confidence.

(2) In the case of an intervening group, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that it cannot pay the expenses of litigation and still be able to carry out the activities and purposes for which it was organized. Such allegations of fact shall be supported by affidavit of the President and Treasurer of the group, and/or by other persons having personal knowledge thereof. The information submitted shall include a copy of the corporate charter or other documents that describe the activities and purposes of the organization; a current balance sheet and profit and loss statement; facts showing, under all the circumstances, that it would not be reasonable to expect added resources of individuals composing the group to be pooled to meet the expenses of participating in the proceeding; and an estimate of the cost of participation. Personal financial information pertaining to members of the group may be submitted to the presiding officer in confidence.

(d) If the motion is granted, the presiding officer may direct that a free copy of the transcript of testimony be made available to the moving party and may relax the rules of procedure in any manner which will ease his financial burden, is fair to other parties to the proceeding, and does not involve the payment of appropriated funds to a party.

[41 FR 53021, Dec. 3, 1976]

§ 1.225 Participation by non-parties; consideration of communications.

(a) Any person who wishes to appear and give evidence on any matter and who so advises the Secretary, will be notified by the Secretary if that matter is designated for hearing. In the case of requests bearing more than one signature, notice of hearing will be given to the person first signing unless the request indicates that such notice should be sent to someone other than such person.

(b) No person shall be precluded from giving any relevant, material, and competent testimony at a hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) When a hearing is held, no communication will be considered in determining the merits of any matter unless it has been received into evidence. The admissibility of any communication shall be governed by the applicable rules of evidence, and no communication shall be admissible on the basis of a stipulation unless Commission counsel as well as counsel for all of the parties shall join in such stipulation.

§ 1.227 Consolidations.

(a) The Commission, upon motion or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing:

(1) Any cases which involve the same applicant or involve substantially the same issues, or

(2) Any applications which present conflicting claims.

(b)(1) In broadcast cases, except as provided in subparagraph (5) of this paragraph, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by the close of business on the day preceding the day designated by Public Notice published in the FEDERAL REGISTER as the day any one of the previously filed applications is available and ready for processing.

(2) In other than broadcast, common carrier, and safety and special radio services cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the later application in question has been filed within 5 days after public notice has been given in the FEDERAL REGISTER of the Commission's order which first designated for hearing the prior application or applications with which such application is in conflict.

(3) In common carrier cases (except for those involving either Public Coast stations in the Maritime Mobile Service, or stations in the Domestic Public Radio Services), any application that is mutually exclusive with another previously filed application will be considered with such prior filed application only if the later filed application is received by the Commission in a condition acceptable for filing prior to the close of business on the day preceding the day the earlier filed application is either designated for hearing or granted. Consolidation of cases involving Public Coast stations in the Maritime Mobile Services is provided for in paragraph (b)(4) of this section. In the Domestic Public Radio Services, no application will be entitled to comparative consideration with one or more conflicting applications unless such application, or such application as amended by a major amendment (as defined by § 21.23 of this chapter), meets the requirements of § 21.31 of this chapter.

(4) In cases of applications filed in the Private Radio Services, any application that is mutually exclusive with another application or applications will be consolidated for hearing with such other application or applications only if the later application in question is substantially complete and tendered for filing by whichever date is earlier: (i) Not later than the close of business 1 business day before the Commission adopted an order which first designated for hearing the prior application or applications with which such application is in conflict; or (ii) within 60 days after the date of public notice listing the first prior filed appli-

cation (with which subsequent applications are in conflict) as having been accepted for filing. An application which is substantially amended by a major change (i.e., substantial change as defined by § 1.962(c)) will, for the purpose of this section, be considered to be a newly filed application.

(5) Any mutually exclusive application filed after the date prescribed in paragraphs (b) (1), (2), (3), or (4) of this section will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

(6) An application which is mutually exclusive with an application for renewal of license of a broadcast station will be designated for comparative hearing with such license renewal application if it is substantially complete and tendered for filing no later than the date prescribed in § 1.516(e).

[28 FR 12425, Nov. 22, 1963, as amended at 34 FR 7966, May 21, 1969; 37 FR 13983, July 15, 1972; 38 FR 26202, Sept. 19, 1973; 40 FR 28456, July 7, 1975; 41 FR 33895, Aug. 11, 1976; 44 FR 34957, June 18, 1979; 44 FR 39180, July 5, 1979]

§ 1.229 Motions to enlarge, change, or delete issues.

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed within 15 days after the issues in the hearing have been published in the FEDERAL REGISTER. In comparative broadcast proceedings (including comparative renewal proceedings), however, such motions shall be filed within 30 days after the designation order has been published in the FEDERAL REGISTER. Any person desiring to file a motion to modify the issues after expiration of the above specified periods shall set forth the reason why it was not possible to file the motion within the prescribed period. Except as provided in paragraph (c) of this section, the motion will be granted only if good cause in shown for the delay in filing. Motions for modification of issues which are based on new facts or newly discovered facts shall be filed within 15 days after such facts are discovered by the moving party.

(c) In the absence of good cause for late filing of a motion to modify the issues, the motion to enlarge will be considered fully on its merits if (and only if) initial examination of the motion demonstrates that it raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing.

(d) Such motions, opposition thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof. The failure to file an opposition or a reply will not necessarily be construed as an admission of any fact or argument contained in a pleading.

[41 FR 14872, Apr. 8, 1976, as amended at 44 FR 34947, June 18, 1979]

PRESIDING OFFICER

§ 1.241 Designation of presiding officer.

(a) Hearings will be conducted by the Commission, by one or more commissioners, or by a law judge designated pursuant to section 11 of the Administrative Procedure Act. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony another presiding officer will be designated.

(b) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be designated, and notice thereof released to the public, at least 10 days prior to the date set for hearing.

(5 U.S.C. 556)

§ 1.243 Authority of presiding officer.

From the time he is designated to preside until issuance of his decision or the transfer of the proceeding to the Commission or to another presiding officer the presiding officer shall have such authority as is vested in him by law and by the provisions of this chapter, including authority to:

(a) Administer oaths and affirmations;

(b) Issue subpenas;

(c) Examine witnesses;

(d) Rule upon questions of evidence;

(e) Take or cause depositions to be taken;

(f) Regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaging in contemptuous conduct or otherwise disrupting the proceedings;

(g) Require the filing of memoranda of law and the presentation of oral argument with respect to any question of law upon which he is required to rule during the course of the hearing;

(h) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(i) Dispose of procedural requests or similar matters, as provided for in § 0.341 of this chapter;

(j) Take actions and make decisions in conformity with the Administrative Procedure Act;

(k) Act on motions to enlarge, modify or delete the hearing issues; and

(l) Act on motions to proceed in forma pauperis pursuant to § 1.224.

(5 U.S.C. 556)

[28 FR 12425, Nov. 22, 1963, as amended at 41 FR 53022, Dec. 3, 1976]

§ 1.245 Disqualification of presiding officer.

(a) In the event that a presiding officer deems himself disqualified and desires to withdraw from the case, he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing.

(b) Any party may request the presiding officer to withdraw on the grounds of personal bias or other disqualification.

(1) The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. Such affidavit shall be filed not later than 5 days before the commencement of the hearing unless, for good cause shown, additional time is necessary.

(2) The presiding officer may file a response to the affidavit; and if he believes himself not disqualified, shall so rule and proceed with the hearing.

(3) The person seeking disqualification may except to a ruling of non-disqualification and, in that event, shall do so at the time the ruling is made. Unless exception is taken to the ruling at this time, the right to request withdrawal of the presiding officer shall be deemed waived.

(4) If exception to the ruling is taken, the presiding officer shall certify the question, together with the affidavit and any response filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission.

(5) The Commission may rule on the question without hearing, or it may require testimony or argument on the issues raised.

(6) The affidavit, response, testimony or argument thereon, and the Commission's decision shall be part of the record in the case.

(5 U.S.C. 556)

PREHEARING PROCEDURES

§ 1.246 Admission of facts and genuineness of documents.

(a) Within 20 days after the time for filing a notice of appearance has expired; or within 20 days after the release of an order adding parties to the proceeding (see §§ 1.223 and 1.227) or changing the issues (see § 1.229); or within such shorter or longer time as the presiding officer may allow on motion or notice, a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents identified in and exhibited by a clear copy with the request or of the truth of any relevant matters of fact set forth in the request.

(b) Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof, or within such shorter or longer time as the presiding officer may allow on motion or notice, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters, or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder.

(c) A copy of the request and of any answer shall be served by the party filing on all other parties to the proceeding and upon the presiding officer.

(d) Written objections to the requested admissions may be ruled upon by the presiding officer without additional pleadings.

[33 FR 463, Jan. 12, 1968, as amended at 35 FR 17333, Nov. 11, 1970]

§ 1.248 Prehearing conferences; hearing conferences.

(a) The Commission, on its own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the matters set forth in paragraph (c) of this section. The initial prehearing conference shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

(b)(1) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section. The initial prehearing conference shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

(2) Except as circumstances otherwise require, the presiding officer shall allow a reasonable period prior to commencement of the hearing for the orderly completion of all prehearing procedures, including discovery, and for the submission and disposition of all prehearing motions. Where the circumstances so warrant, the presiding officer shall, promptly after the hearing is ordered, call a preliminary prehearing conference, to inquire into the use of available procedures contemplated by the parties and the time required for their completion, to formulate a schedule for their completion, and to set a date for commencement of the hearing.

(c) In conferences held, or in suggestions submitted, pursuant to paragraphs (a) and (b) of this section, the following matters, among others, may be considered:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The admission of facts and of the genuineness of documents (see § 1.246), and the possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) In cases arising under Title II of the Communications Act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment; and

(6) In cases involving comparative broadcast applications:

(i) Narrowing the issues or the areas of inquiry and proof at the hearing;

(ii) [Reserved]

(iii) Reports and letters relating to surveys or contacts;

(iv) Assumptions regarding the availability of equipment;

(v) Network programming;

(vi) Assumptions regarding the availability of networks proposed;

(vii) Offers of letters in general;

(viii) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(ix) Proof of contracts, agreements, or understandings reduced to writing;

(x) Stipulations;

(xi) Need for depositions;

(xii) The numbering of exhibits;

(xiii) The order or offer of proof with relationship to docket number;

(xiv) The date for the formal hearing; and

(xv) Such other matters as may expedite the conduct of the hearing.

(7) In proceedings in which consent agreements may be negotiated (see § 1.93), the parties shall be prepared to state at the initial prehearing conference whether they are at that time willing to enter negotiations leading to a consent agreement.

(d) This paragraph applies to broadcast proceedings only.

(1) At the prehearing conference prescribed by this section, the parties to the proceeding shall be prepared to discuss the advisability of reducing any or all phases of their affirmative direct cases to written form.

(2) In hearings involving applications for new, improved and changed facilities and in comparative hearings involving only applications for new facilities, where it appears that it will contribute significantly to the disposition of the proceeding for the parties to submit all or any portion of their affirmative direct cases in writing, the presiding officer may, in his discretion, require them to do so.

(3) In other broadcast proceedings, where it appears that it will contribute significantly to the disposition of the proceeding for the parties to submit all or any portion of their affirmative direct cases in writing, it is the policy of the Commission to encourage them to do so. However, the phase or phases of the proceeding to be submitted in writing, the dates for the exchange of the written material, and other limitations upon the effect of adopting the written case procedure (such as whether material ruled out as incompetent may be restored by other competent testimony) is to be left to agreement of the parties as approved by the presiding officer.

(e) An official transcript of all conferences shall be made.

(f) The presiding officer may, upon the written request of a party or parties, approve the use of a speakerphone as a means of attendance at a prehearing conference if such use is found to conduce to the proper dispatch of business and the ends of justice.

[28 FR 12425, Nov. 22, 1963, as amended at 33 FR 463, Jan. 12, 1968; 36 FR 14133, July 30, 1971; 37 FR 7507, Apr. 15, 1972; 41 FR 14873, Apr. 8, 1976; 43 FR 33251, July 31, 1978]

§ 1.249 Prehearing statement.

Immediately upon convening the formal hearing in any proceeding, the presiding officer shall enter upon the record a statement reciting all actions taken at the prehearing conferences, and incorporating into the record all of the stipulations and agreements of the parties which are approved by him, and any special rules which he may deem necessary to govern the course of the proceeding.

[28 FR 12425, Nov. 22, 1963. Redesignated at 33 FR 463, Jan. 12, 1968]

HEARING AND INTERMEDIATE DECISION

§ 1.250 Discovery and preservation of evidence; cross-reference.

For provisions relating to prehearing discovery and preservation of admissible evidence, see §§ 1.311–1.325.

[33 FR 463, Jan. 12, 1968]

§ 1.251 Summary decision.

(a)(1) Any party to an adjudicatory proceeding may move for summary decision of all or any of the issues set for hearing. The motion shall be filed at least 20 days prior to the date set for commencement of the hearing. The party filing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the presiding officer, that there is no genuine issue of material fact for determination at the hearing.

(2) With the permission of the presiding officer, or upon his invitation, a motion for summary decision may be filed at any time before or after the commencement of the hearing. No appeal from an order granting or denying a request for permission to file a motion for summary decision shall be allowed. If the presiding officer authorizes a motion for summary decision after the commencement of the hearing, proposed findings of fact and conclusions of law on those issues which the moving party believes can be resolved shall be attached to the motion, and any other party may file findings of fact and conclusions of law as an attachment to pleadings filed by him pursuant to paragraph (b) of this section.

(b) Within 14 days after a motion for summary decision is filed, any other party to the proceeding may file an opposition or a countermotion for summary decision. A party opposing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the presiding officer, that there is a genuine issue of material fact for determination at the hearing, that he cannot, for good cause, present by affidavit or otherwise facts essential to justify his opposition, or that summary decision is otherwise inappropriate.

(c) Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

(d) The presiding officer may, in his discretion, set the matter for argument and call for the submission of proposed findings, conclusions, briefs or memoranda of law. The presiding officer, giving appropriate weight to the nature of the proceeding, the issue or issues, the proof, and to the need for cross-examination, may grant a motion for summary decision to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is otherwise entitled to summary decision. If it appears from the affidavits of a party opposing the motion that he cannot, for good cause shown, present by affidavit or otherwise facts essential to justify his opposition, the presiding officer may deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be had, or make such other order as is just.

(e) If all of the issues (or a dispositive issue) are determined on a motion for summary decision no hearing (or further hearing) will be held. The presiding officer will issue a Summary Decision, which is subject to appeal or review in the same manner as an Initial Decision. See §§ 1.271-1.282. If some of the issues only (including no dispositive issue) are decided on a motion for summary decision, or if the motion is denied, the presiding officer will issue a memorandum opinion and order, interlocutory in character, and the hearing will proceed on the remaining issues. Appeal from interlocutory rulings is governed by § 1.301.

(f) The presiding officer may take any action deemed necessary to assure that summary decision procedures are not abused. He may rule in advance of a motion that the proceeding is not appropriate for summary decision, and may take such other measures as are necessary to prevent any unwarranted delay.

(1) Should it appear to the satisfaction of the presiding officer that a motion for summary decision has been presented in bad faith or solely for the purpose of delay, or that such a motion is patently frivolous, he will enter a determination to that effect upon the record.

(2) If, on making such determination, the presiding officer concludes that the facts warrant disciplinary action against an attorney, he will certify the matter to the Commission with his findings and recommendations, for consideration under § 1.24.

(3) If, on making such determination, the presiding officer concludes that the facts warrant a finding of bad faith on the part of a party to the proceeding, he will certify the matter to the Commission, with his findings and recommendations, for a determination as to whether the facts warrant addi-

tion of an issue as to the character qualifications of that party.

[37 FR 7507, Apr. 15, 1972, as amended at 42 FR 56508, Oct. 26, 1977]

§ 1.253 Time and place of hearing.

(a) The Commission will specify the day on which and the place at which any hearing is to commence.

(b) The presiding officer will specify the days on which subsequent hearing sessions are to be held.

(c) If the Commission specifies that a hearing is to commence in the District of Columbia, it shall be moved therefrom only by order of the Commission.

(d) If the Commission specifies that a hearing is to commence at a field location, all appropriate proceedings will be completed at such location before the hearing is moved therefrom. When such proceedings are completed, the presiding officer may move the hearing from the field location specified to another appropriate field location or to the District of Columbia.

§ 1.254 Nature of the hearing; burden of proof.

Any hearing upon an application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant except as otherwise provided in the order of designation.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.255 Order of procedure.

(a) At hearings on a formal complaint or petition or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall, unless the Commission otherwise orders, open and close. At hearings on protests, the protestant opens and closes the proceedings in case the issues are not specifically adopted by the Commission; otherwise the grantee does so. At hearings on orders to show cause, to cease and desist, to revoke or modify a station license under sections 312 and 316 of the Communications Act, or other like proceedings instituted by the Commission, the Commission shall open and close.

(b) At all hearings under Title II of the Communications Act, other than hearings on formal complaints, petitions, or applications, the respondent shall open and close unless otherwise specified by the Commission.

(c) In all other cases, the Commission or presiding officer shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission or presiding officer shall designate at what stage such intervenors shall be heard.

[28 FR 12425, Nov. 22, 1963, as amended at 33 FR 463, Jan. 12, 1968]

§ 1.258 Closing of the hearing.

The record of hearing shall be closed by an announcement to that effect at the hearing by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: *Provided,* The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the day on which the hearing is to resume, except upon 10 days' notice to all parties to the proceeding.

§ 1.260 Certification of transcript.

After the close of the hearing, the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.261 Corrections to transcript.

At any time during the course of the proceeding, or as directed by the presiding officer, but not later than 10 days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceeding. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his own initiative, may specify corrections to be made in the transcript on 5 days' notice.

[40 FR 51441, Nov. 5, 1975]

§ 1.263 Proposed findings and conclusions.

(a) Each party to the proceeding may file proposed findings of fact and conclusions, briefs, or memoranda of law: *Provided, however,* That the presiding officer may direct any party other than Commission counsel to file proposed findings of fact and conclusions, briefs, or memoranda of law. Such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all other counsel in the proceeding; if a party is not represented by counsel, proof of service upon such party shall be made.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

(5 U.S.C. 557)

§ 1.264 Contents of findings of fact and conclusions.

Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

(5 U.S.C. 557)

§ 1.267 Initial and recommended decisions.

(a) Except as provided in this paragraph, in §§ 1.94, 1.251 and 1.274, or where the proceeding is terminated on motion (see § 1.302), the presiding officer shall prepare an initial (or recommended) decision, which shall be transmitted to the Secretary of the Commission. In the case of rate making proceedings conducted under sections 201-205 of the Communications Act, the presumption shall be that the presiding officer shall prepare an initial or recommended decision. The Secretary will make the decision public immediately and file it in the docket of the case.

(b) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exceptions, appeal, or review.

(c) The authority of the Presiding Officer over the proceedings shall cease when he has filed his Initial or

Recommended Decision, or, if it is a case in which he is to file no decision, when he has certified the case for decision: *Provided, however,* That he shall retain limited jurisdiction over the proceeding for the purpose of effecting certification of the transcript and corrections to the transcript, as provided in §§ 1.260 and 1.261, respectively.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409, 5 U.S.C. 557)

[28 FR 12425, Nov. 22, 1963, as amended at 36 FR 20230, Oct. 19, 1971; 41 FR 14873, Apr. 8, 1976]

REVIEW PROCEEDINGS

§ 1.271 Delegation of review function.

The Commission may direct, by order or rule, that its review function in a case or category of cases be performed by a commissioner, a panel of commissioners, or by the Review Board, in which event the commissioner, panel, or board shall exercise the authority and perform the functions which would otherwise have been performed by the Commission under §§ 1.273-1.282.

NOTE: Parties to any proceeding designated for hearing prior to August 31, 1961, are entitled to file exceptions to initial decisions with the Commission and to oral argument before the Commission en banc.

(Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155)

§ 1.273 Waiver of initial or recommended decision.

At the conclusion of the hearing or within 20 days thereafter, all parties to the proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. If the Commission has directed that its review function in the case be performed by a commissioner, a panel of commissioners, or by the Review Board, the request shall be directed to the appropriate review authority. The Commission or such review authority may in its discretion grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.274 Certification of the record to the Commission for initial or final decision.

(a) Where the presiding officer is available to the Commission, and where the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires, the Commission may direct that the record in a pending proceeding be certified to it for initial or final decision. Unless the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued, the presiding officer will prepare and file a recommended decision, which will be released with the Commission's initial or final decision.

(b) Where the presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, the Commission may direct that the record in a pending proceeding be certified to it for initial or final decision. In that event, the record shall be certified to the Commission by the Chief Administrative Law Judge.

(c)(1) Where the presiding officer becomes unavailable to the Commission after the taking of evidence has commenced but before it has been concluded, the Commission may order a rehearing before another presiding officer designated in accordance with § 1.241.

(2) Upon a finding that due and timely execution of its functions imperatively and unavoidably so requires, the Commission may (as an alternative) order that the hearing be continued by another presiding officer designated in accordance with § 1.241 or by the Commission itself. In that event, the officer continuing the hearing shall, upon completion of the hearing, certify the proceeding to the Commission for an initial or final decision. Unless the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued, the officer continuing the hearing shall prepare and file a recommended decision to be released with the Commission's initial or

final decision. If all the parties expressly consent, and if the Commission does not order otherwise, the officer continuing the hearing may prepare an initial decision.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409)

§ 1.276 Appeal and review of initial decision.

(a)(1) Within 30 days after the date on which public release of the full text of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision, and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. It is the Commission's policy that extensions of time for filing exceptions shall not be routinely granted.

(2) Exceptions shall be consolidated with the argument in a supporting brief and shall not be submitted separately. As used in this subpart, the term "exceptions" means the document consolidating the exceptions and supporting brief. The brief shall contain (i) a table of contents, (ii) a table of citations, (iii) a concise statement of the case, (iv) a statement of the questions of law presented, and (v) the argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific reference to the record and all legal or other materials relied on.

(b) The Commission may on its own initiative provide, by order adopted not later than 20 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to review in accordance with paragraph (a) or (b) of this section, the Commission may, on its own initiative or upon appropriate requests by a party, take any one or more of the following actions:

(1) Hear oral argument on the exceptions;

(2) Require the filing of briefs;

(3) Prior to or after oral argument or the filing of exceptions or briefs, reopen the record and/or remand the proceedings to the presiding officer to take further testimony or evidence;

(4) Prior to or after oral argument or the filing of exceptions or briefs, remand the proceedings to the presiding officer to make further findings or conclusions; and

(5) Prior to or after oral argument or the filing of exceptions or briefs, issue, or cause to be issued by the presiding officer, a supplemental initial decision.

(d) No initial decision shall become effective before 50 days after public release of the full text thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions, the further review or consideration of an initial decision on the Commission's initiative, or the taking of action by the Commission under paragraph (c) of this section shall stay the effectiveness of the initial decision until the Commission's review thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions, it shall be postponed automatically until 30 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, or has not taken action under paragraph (c) of this section, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case, and a "Public Notice" thereof shall be given by the Commission. The provisions of § 1.108 shall not apply to such public notices.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

(Sec. 40, 48 Stat. 1096, as amended; 47 U.S.C. 409)

[28 FR 12425, Nov. 22, 1963, as amended at 41 FR 14873, Apr. 8, 1976]

§ 1.277 Exceptions; oral arguments.

(a) The consolidated supporting brief and exceptions to the initial decision (see § 1.276(a)(2)), including rulings upon motions or objections, shall point out with particularity alleged material errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.

(b) Within the period of time allowed in § 1.276(a) for the filing of exceptions, any party may file a brief in support of an initial decision, in whole or in part, which may contain exceptions and which shall be similar in form to the brief in support of exceptions (see § 1.276(a)(2)).

(c) Except by special permission, the consolidated brief and exceptions will not be accepted if the exceptions and argument exceed 50 double-spaced typewritten pages in length. (The table of contents and table of citations are not counted in the 50 page limit; however, all other contents of and attachments to the brief are counted.) Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief, which shall not exceed 25 double-spaced typewritten pages and shall contain a table of contents and a table of citations. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

(d) Each order scheduling a case for oral argument will contain the allotment of time for each party for oral argument before the Commission. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said order for oral argument.

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the officer who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The officer who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days notice of the proposed corrections to all parties who participated in the oral argument.

(f) Any commissioner or member of the Review Board who is not present at oral argument and who is otherwise authorized to participate in a final decision may participate in making that decision after reading the transcript of oral argument.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409)

[28 FR 12425, Nov. 22, 1963, as amended at 41 FR 14873, Apr. 8, 1976; 41 FR 34259, Aug. 13, 1976; 44 FR 12426, Mar. 7, 1979]

§ 1.279 Limitation of matters to be reviewed.

Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to § 1.276(b).

§ 1.282 Final decision of the Commission.

(a) After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs, and for the holding of oral argument as provided in this subpart, the Commission will issue a final decision in each case in which an initial decision has not become final.

(b) The final decision shall contain:

(1) Findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record;

(2) Rulings on each relevant and material exception filed; the Commission will deny irrelevant exceptions, or those which are not of decisional significance, without a specific statement of reasons prescribed by paragraph (b)(1) of this section; and

(3) The appropriate rule or oder and the sanction, relief or denial thereof.

(Sec. 8(b), 60 Stat. 2422; 5 U.S.C. 1007(b))

[28 FR 12425, Nov. 22, 1963, as amended at 41 FR 14873, Apr. 8, 1976]

INTERLOCUTORY ACTIONS IN HEARING PROCEEDINGS

§ 1.291 General provisions.

(a) (1) The Commission acts on petitions to amend, modify, enlarge or delete the issues in hearing proceedings which involve rule making matters exclusively. It also acts on interlocutory pleadings filed in matters or proceedings which are before the Commission.

(2) The Review Board acts on interlocutory pleadings in proceedings which are before the Board.

(3) The Chief Administrative Law Judge acts on those interlocutory matters listed in § 0.351 of this chapter.

(4) All other interlocutory matters in hearing proceedings are acted on by the presiding officer. See §§ 0.218 and 0.341 of this chapter.

(5) Each interlocutory pleading shall indicate in its caption whether the pleading is to be acted upon by the Commission, the Review Board, the Chief Administrative Law Judge, or the presiding officer. If the pleading is to be acted upon by the presiding officer, he shall be identified by name.

(b) All interlocutory pleadings shall be submitted in accordance with the provisions of §§ 1.4, 1.44, 1.47, 1.48, 1.49, and 1.52.

(c)(1) Procedural rules governing interlocutory pleadings are set forth in §§ 1.292–1.298.

(2) Rules governing appeal from, and reconsideration of, interlocutory rulings made by the presiding officer are set forth in §§ 1.301 and 1.303.

(3) Rules governing the review of interlocutory rulings made by the Review Board or the Chief Administrative Law Judge are set forth in §§ 1.101, 1.102(b), 1.115, and 1.117. Petitions requesting reconsideration of an interlocutory ruling made by the Commission, the Review Board, or the Chief Administrative Law Judge will not be entertained. See, however, § 1.113.

(d) No initial decision shall become effective under § 1.276(e) until all interlocutory matters pending before the Review Board or the Commission in the proceeding at the time the initial decision is issued have been disposed of and the time allowed for appeal from interlocutory rulings of the presiding officer or the Review Board has expired.

[29 FR 6443, May 16, 1964, as amended at 29 FR 12773, Sept. 10, 1964; 37 FR 19372, Sept. 20, 1972; 41 FR 14873, Apr. 8, 1976]

§ 1.294 Oppositions and replies.

(a) Any party to a hearing may file an opposition to an interlocutory request filed in that proceeding.

(b) Except as provided in paragraph (c) of this section, oppositions shall be filed within 4 days after the original pleading is filed, and replies to oppositions will not be entertained. See, however, § 1.732.

(c) Oppositions to pleadings in the following categories shall be filed within 10 days after the pleading is filed. Replies to such oppositions shall be filed within 5 days after the opposition is filed, and shall be limited to matters raised in the opposition.

(1) Petitions to amend, modify, enlarge, or delete the issues upon which the hearing was ordered.

(2) [Reserved]

(3) Petitions by adverse parties requesting dismissal of an application.

(4) Joint requests for approval of agreements filed pursuant to § 1.525.

(d) Additional pleadings may be filed only if specifically requested or authorized by the person(s) who is to make the ruling.

[29 FR 6444, May 16, 1964, as amended at 39 FR 10909, Mar. 22, 1974]

§ 1.296 Service.

No pleading filed pursuant to § 1.292 or § 1.294 will be considered unless it is accompanied by proof of service upon the parties to the proceeding.

§ 1.297 Oral argument.

Oral argument with respect to any contested interlocutory matter will be held when, in the opinion of the person(s) who is to make the ruling, the ends of justice will be best served thereby. Timely notice will be given of the date, time, and place of any such oral argument.

[29 FR 6444, May 16, 1964]

§ 1.298 Rulings; time for action.

(a) Unless it is found that irreparable injury would thereby be caused one of the parties, or that the public interest requires otherwise, or unless all parties have consented to the contrary, consideration of interlocutory requests will be withheld until the time for filing oppositions (and replies, if replies are allowed) has expired. As a matter of discretion, however, requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief may be ruled upon ex parte without waiting for the filing of responsive pleadings.

(b) In the discretion of the presiding officer, rulings on interlocutory matters may be made orally at the hearing. The presiding officer may, in his discretion, state his reasons on the record or subsequently issue a written statement of the reasons for his ruling, either separately or as part of the initial decision.

[28 FR 12425, Nov. 22, 1963, as amended at 29 FR 6444, May 16, 1964; 41 FR 14874, Apr. 8, 1976]

APPEAL AND RECONSIDERATION OF PRESIDING OFFICER'S RULING

§ 1.301 Appeal from presiding officer's interlocutory ruling; effective date of ruling.

(a) *Interlocutory rulings which are appealable as a matter of right.* Rulings listed in this paragraph are appealable as a matter of right. An appeal from such a ruling may not be deferred and raised as an exception to the initial decision.

(1) If the presiding officer's ruling denies or terminates the right of any person to participate as a party to a hearing proceeding, such person, as a matter of right, may file an appeal from that ruling.

(2) If the presiding officer's ruling requires testimony or the production of documents, over objection based on a claim of privilege, the ruling on the claim of privilege is appealable as a matter of right.

(3) [Reserved]

(4) Rulings granting a joint request filed under § 1.525 without terminating the proceeding are appealable by any party as a matter of right.

(5) A ruling removing counsel from the hearing is appealable as a matter of right, by counsel on his own behalf or by his client. (In the event of such ruling, the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case).

(b) *Other interlocutory rulings.* Except as provided in paragraph (a) of this section, appeals from interlocutory rulings of the presiding officer shall be filed only if allowed by the presiding officer. Any party desiring to file an appeal shall first file a request for permission to file appeal. The request shall be filed within 5 days after the order is released or (if no written order) after the ruling is made. Pleadings responsive to the request shall be filed only if they are requested by the presiding officer. The request shall contain a showing that the appeal presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The presiding officer shall determine whether the showing is such as to justify an interlocutory appeal and, in accordance with his determination, will either allow or disallow the appeal or modify the ruling. If the presiding officer allows or disallows the appeal, his ruling is final: *Provided, however*, that the Commission may, on its own motion, dismiss an appeal allowed by the presiding officer on the ground that objection to the ruling should be deferred and raised as an exception. In the discretion of the presiding officer, the request for permission to file appeal may be made orally, on the record of the proceeding. The request may be disposed of orally.

(1) If an appeal is not allowed, or is dismissed by the Commission, or if permission to file an appeal is not requested, objection to the ruling may be raised on review of the initial decision.

(2) If an appeal is allowed and is considered on its merits, the disposition on appeal is final. Objection to the ruling or to the action on appeal may not be raised on review of the initial decision.

(3) If the presiding officer modifies the ruling, any party adversely affected by the modified ruling may file a request for permission to file appeal, pursuant to the provisions of this paragraph.

(c) *Procedures, effective date.* (1) Unless the presiding officer orders otherwise, rulings made by him shall be effective when the order is released or (if no written order) when the ruling is made. The Commission may stay the effect of any ruling which comes before it for consideration on appeal

(2) Appeals filed under paragraph (a) of this section shall be filed within 5 days after the order is released or (if no written order) after the ruling is made. Appeals filed under paragraph (b) of this section shall be filed within 5 days after the appeal is allowed.

(3) The appeal shall conform with the specifications set out in § 1.49 and shall be subscribed and verified as provided in § 1.52.

(4) The appeal shall be served on parties to the proceeding (see §§ 1.47 and 1.211), and shall be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(5) The appeal shall not exceed 5 double-spaced typewritten pages.

(6) Appeals are acted on by the Commission.

(7) Oppositions and replies shall be served and filed in the same manner as appeals and shall be served on appellant if he is not a party to the proceeding. Oppositions shall be filed within 5 days after the appeal is filed. Replies shall not be permitted, unless the Commission specifically requests them. Oppositions shall not exceed 5 double-spaced typewritten pages. Replies shall not exceed 5 double-spaced typewritten pages.

[35 FR 17333, Nov. 11, 1970, as amended at 40 FR 39509, Aug. 28, 1975; 41 FR 14874, Apr. 8, 1976; 41 FR 28789, July 13, 1976]

§ 1.302 Appeal from presiding officer's final ruling; effective date of ruling.

(a) If the presiding officer's ruling terminates a hearing proceeding, any party to the proceeding, as a matter of right, may file an appeal from that ruling within 30 days after the ruling is released.

(b) Any party who desires to preserve the right to appeal shall file a notice of appeal within 10 days after the ruling is released. If a notice of appeal is not filed within 10 days, the ruling shall be effective 30 days after the ruling is released and within this period, may be reviewed by the Commission or the Review Board on its own motion. If an appeal is not filed following notice of appeal, the ruling shall be effective 50 days after the day of its release and, within this period, may be reviewed by the Commission or the Review Board on its own motion. If an appeal is filed, or if the Commission or the Review Board reviews the ruling on its own motion, the effect of the ruling is further stayed pending the completion of proceedings on appeal or review.

(c) The appeal shall conform with the specifications set out in § 1.49 and shall be subscribed and verified as provided in § 1.52.

(d) The appeal shall be served on parties to the proceeding (see §§ 1.47

and 1.211), and shall be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(e) The appeal shall not exceed 25 double-spaced typewritten pages.

(f) If the Commission would have reviewed an initial decision in the proceeding (see § 0.365(a) of this chapter), the Commission will act on the appeal. In all other cases, the appeal will be acted on by the Review Board. The caption of the appeal shall specify whether the appeal is to be acted on by the Commission or the Review Board.

(g) Oppositions and replies shall be filed and served in the same manner as the appeal. Oppositions to an appeal shall be filed within 15 days after the appeal is filed. Replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the oppositions. Oppositions shall not exceed 25 double-spaced typewritten pages. Replies shall not exceed 10 double-spaced typewritten pages.

[35 FR 17333, Nov. 11, 1970, as amended at 36 FR 7423, Apr. 20, 1971]

THE DISCOVERY AND PRESERVATION OF EVIDENCE

AUTHORITY: Sec. 409, 48 Stat. 1096; 47 U.S.C. 409.

SOURCE: 33 FR 463, Jan. 12, 1968, unless otherwise noted.

§ 1.311 General.

Sections 1.311-1.325 provide for taking the deposition of any person (including a party), for interrogatories to parties, and for orders to parties relating to the production of documents and things and for entry upon real property. These procedures may be used for the discovery of relevant facts, for the production and preservation of evidence for use at the hearing, or for both purposes.

(a) *Applicability.* For purposes of discovery, these proecdures may be used in any case of adjudication (as defined in the Administrative Procedure Act) which has been designated for hearing. For the preservation of evidence, they may be used in any case which has been designated for hearing and is conducted under the provisions of this subpart (see § 1.201).

(b) *Scope of examination.* Persons and parties may be examined regarding any matter, not privileged, which is relevant to the hearing issues, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection to use of these procedures that the testimony will be inadmissible at the hearing if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. The use of these procedures against the Commission is subject to the following additional limitations:

(1) The informer's privilege shall encompass information which may lead to the disclosure of an informer's identity.

(2) Commission personnel may not be questioned by deposition for the purposes of discovery except on special order of the Commission, but may be questioned by written interrogatories under § 1.323. Interrogatories shall be served on the appropriate Bureau Chief (see § 1.21(b)). They will be answered and signed by those personnel with knowledge of the facts. The answers will be served by the Secretary of the Commission upon parties to the proceeding.

(3) Commission records are not subject to discovery under § 1.325. The inspection of Commission records is governed by the Freedom of Information Act, as amended, and by §§ 0.451-0.467 of this chapter. Commission employees may be questioned by written interrogatories regarding the existence, nature, description, custody, condition and location of Commission records, but may not be questioned concerning their contents unless the records are available (or are made available) for inspection under §§ 0.451-0.467. See § 0.451(b)(5) of this chapter.

(4) Subject to paragraphs (b) (1) through (3) of this section, Commission personnel may be questioned generally by written interrogatories regarding the existence, description, nature, custody, condition and location of relevant documents and things and regarding the identity and location of persons having knowledge of

relevant facts, and may otherwise only be examined regarding facts of the case as to which they have direct personal knowledge.

(c) *Schedule for use of the procedures.* (1) Except as provided in this paragraph, discovery shall be initiated prior to the initial prehearing conference. See § 1.248. The presiding officer may at any time order the parties or their attorneys to appear at a conference to consider the proper use of these procedures or the time to be allowed for such use.

(2) After the record has been closed, the parties may be permitted to take the testimony of witnesses, by deposition, for use in the event of further hearing proceedings, on motion, and solely to avoid a failure of justice.

(d) *Who shall act.* Actions provided for in §§ 1.311-1.325 will, in most cases, be taken by the officer designated to preside at the hearing (see § 1.241). If the proceeding, or a particular matter to which the action relates, is before the Commission, the Review Board, a commissioner or panel of commissioners, or the Chief Administrative Law Judge, the action will be taken by such officer or body. The term "presiding officer", as used in §§ 1.311-1.325 shall be understood to refer to the appropriate officer or body. See §§ 0.341, 0.351, 0.365, and 1.271 of this chapter.

(e) *Stipulations regarding the taking of depositions.* If all of the parties so stipulate in writing and if there is no interference to the conduct of the proceeding, depositions may be taken before any person, at any time (subject to the limitation below) or place, upon any notice and in any manner, and when so taken may be used like other depositions. An original and one copy of the stipulation shall be filed with the Secretary of the Commission, and a copy of the stipulation shall be served on the presiding officer, at least 3 days before the scheduled taking of the deposition.

[33 FR 463, Jan. 12, 1968, as amended at 40 FR 39509, Aug. 28, 1975; 41 FR 14874, Apr. 8, 1976]

§ 1.313 Protective orders.

The use of the procedures set forth in §§ 1.311-1.325 is subject to control by the presiding officer, who may issue any order consistent with the provisions of those sections which is appropriate and just for the purpose of protecting parties and deponents or of providing for the proper conduct of the proceeding. The order may specify any measures, including the following to assure proper conduct of the proceeding or to protect any party or deponent from annoyance, expense, embarrassment or oppression:

(a) That depositions shall not be taken or that interrogatories shall not be answered.

(b) That certain matters shall not be inquired into.

(c) That the scope of the examination or interrogatories shall be limited to certain matters.

(d) That depositions may be taken only at some designated time or place, or before an officer, other than that stated in the notice.

(e) That depositions may be taken only by written interrogatories or only upon oral examination.

(f) That, after being sealed, the deposition shall be opened only by order of the presiding officer.

§ 1.315 Depositions upon oral examination—notice and preliminary procedure.

(a) *Notice.* A party to a hearing proceeding desiring to take the deposition of any person upon oral examination shall give a minimum of 21 days notice in writing to every other party, to the person to be examined, and to the presiding officer. An original and three copies of the notice shall be filed with the Secretary of the Commission. Related pleadings shall be served and filed in the same manner. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Responsive pleadings.* (1) Within 7 days after service of the notice to take depositions, a motion opposing the taking of depositions may be filed by any party to the proceeding or by the person to be examined. See § 1.319(a).

(2) Within 14 days after service of the notice to take depositions, a response to the opposition motion may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(4) The computation of time provisions set forth in § 1.4(g) shall not apply to pleadings filed under the provisions of this paragraph.

(c) *Protective order.* On an opposition motion filed under paragraph (b) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(d) *Authority to take depositions.* (1) If an opposition motion is not filed within 7 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

[33 FR 10571, July 25, 1968]

§ 1.316 Depositions upon written interrogatories—notice and preliminary procedure.

(a) *Service of interrogatories; notice.* A party to the hearing proceeding desiring to take the deposition of any person upon written interrogatories shall serve the interrogatories upon every other party and shall give a minimum of 35 days notice in writing to every other party and to the person to be examined. An original and three copies of the interrogatories and the notice (and of all related pleadings) shall be filed with the Secretary of the Commission. A copy of the interrogatories and the notice (and of all related pleadings) shall be served on the presiding officer. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Additional interrogatories.* Within 7 days after the filing and service of the original interrogatories, any other party to the proceeding may, in the same manner, file and serve additional interrogatories to be asked of the same witness at the same time and place, with notice to the witness of any additional matters upon which he will be examined.

(c) *Cross interrogatories.* Within 14 days after the filing and service of the original interrogatories, any party to the proceeding may, in the same manner, file and serve cross interrogatories, which shall be limited to matters raised in the original or in the additional interrogatories.

(d) *Responsive pleadings.* (1) Within 21 days after service of the original interrogatories, any party to the proceeding may move to limit or suppress any original, additional or cross interrogatory, and the person to be examined may file a motion opposing the taking of depositions. See § 1.319(a).

(2) Within 28 days after service of the original interrogatories, a response to a motion to limit or suppress any interrogatory or to a motion opposing the taking of depositions may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(e) *Protective order.* On a motion to limit or suppress or an opposition motion filed under paragraph (d) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(f) *Authority to take depositions.* (1) If an opposition motion is not filed within 21 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

NOTE: The computation of time provisions of § 1.4(g) shall not apply to interrogatories and pleadings filed under the provisions of this section.

[33 FR 10571, July 25, 1968]

§ 1.318 The taking of depositions.

(a) *Persons before whom depositions may be taken.* Depositions shall be taken before any judge of any court of the United States; any U.S. Commissioner; any clerk of a district court; any chancellor, justice or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of common pleas of any of the United States; any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding; or presiding officers, as provided in § 1.243.

(b) *Attendance of witnesses.* The attendance of witnesses at the taking of depositions may be compelled by the use of subpena as provided in §§ 1.331-340.

(c) *Oath; transcript.* The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise.

(d) *Examination.* (1) In the taking of depositions upon oral examination, the parties may proceed with examination and cross-examination of deponents as permitted at the hearing. In lieu of participating in the oral examination, parties served with the notice to take depositions may transmit written interrogatories to the officer designated in the notice, who shall propound them to the witness and record the answers verbatim.

(2) In the taking of depositions upon written interrogatories, the party who served the original interrogatories shall transmit copies of all interrogatories to the officer designated in the notice, who shall propound them to the witness and record the answers verbatim.

(e) *Submission of deposition to witness; changes; signing.* When the testimony is fully transcribed, the deposition of each witness shall be submitted to him for examination and shall be read to or by him, unless such examination and reading are waiver by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver, the illness or absence of the witness, or of his refusal to sign, together with the reason (if any) given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress, the presiding officer holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification of deposition and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him, that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies of the deposition and of all exhibits, together with the notice and any interrogatories received by him, by certified mail to the Secretary of the Commission.

§ 1.319 Objections to the taking of depositions.

(a) *Objections to be made by motion prior to the taking of depositions.* If there is objection to the substance of any interrogatory or to examination on any matter clearly covered by the notice to take depositions, the objection shall be made in a motion opposing the taking of depositions or in a motion to limit or suppress the interrogatory as provided in §§ 1.315(b) and 1.316(d) and shall not be made at the taking of the deposition.

(b) *Objections to be made at the taking of depositions.* Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition. If such objection is made, counsel shall, if possible, agree upon the measures required to obviate, remove, or cure such errors. The measures agreed upon shall be taken. If agreement cannot be reached, the objection shall be noted on the deposition by the officer taking it, and the testimony objected to shall be taken subject to the objection.

(c) *Additional objections which may be made at the taking of depositions.* Objection may be made at the taking of depositions on the ground of relevancy or privilege, if the notice to take depositions does not clearly indicate that the witness is to be examined on the matters to which the objection relates. See paragraph (a) of this section. Objection may also be made on the ground that the examination is being conducted in such manner as to unreasonably annoy, embarrass, or oppress a deponent or party.

(1) When there is objection to a line of questioning, as permitted by this paragraph, counsel shall, if possible, reach agreement among themselves regarding the proper limits of the examination.

(2) If counsel cannot agree on the proper limits of the examination the taking of depositions shall continue on matters not objected to and counsel shall, within 24 hours, either jointly or individually, telegraph statements of their positions to the presiding officer, together with the telephone numbers at which they and the officer taking the depositions can be reached, or shall otherwise jointly confer with the presiding officer. If individual statements are submitted, copies shall be provided to all counsel participating in the taking of depositions.

(3) The presiding officer shall promptly rule upon the question presented or take such other action as may be appropriate under § 1.313, and shall give notice of his ruling, by telephone, to counsel who submitted statements and to the officer taking the depositions. The presiding officer shall thereafter reduce his ruling to writing.

(4) The taking of depositions shall continue in accordance with the pre-

siding officer's ruling. Such rulings are not subject to appeal.

§ 1.321 Use of depositions at the hearing.

(a) No inference concerning the admissibility of a deposition in evidence shall be drawn because of favorable action on the notice to take depositions.

(b) Except as provided in this paragraph and in § 1.319, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(1) Objections to the competency of a witness, or the competency, relevancy or materiality of testimony are waived by failure to make them before or during the taking of depositions if (and only if) the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Objection on the ground of privilege is waived by failure to make it before or during the taking of depositions.

(c) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in paragraph (d)(2) of this section. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(d) At the hearing (or in a pleading), any part or all of a deposition, so far as admissible, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent of a public or private corporation, partnership or association which is a party may be used by an adverse party for any purpose.

(3) To the extent that the affirmative direct case of a party is made in writing pursuant to § 1.248(d), the deposition of any witness, whether or not a party, may be used by any party for any purpose, provided the witness is made available for cross-examination. In all cases, the deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer finds: (i) That the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

(5) Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any hearing has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

[33 FR 463, Jan. 12, 1968, as amended at 41 FR 14874, Apr. 8, 1976]

§ 1.323 Interrogatories to parties.

(a) *Interrogatories.* Any party may serve upon any other party written interrogatories to be answered in writing by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories shall be served upon all parties to the proceeding. An original and three copies of the interrogatories, answers, and all related pleadings shall be filed with the Secretary of the Commission. A copy of the interrogatories, answers and all related pleadings shall be served on the presiding officer.

(1) Except as otherwise provided in a protective order, the number of interrogatories or sets of interrogatories is not limited.

(2) Except as provided in such an order, interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered.

(b) *Answers and objections.* Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers shall be signed by the person making them, and the objections by the attorney making them. The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within 14 days after service of the interrogatories, or within such shorter or longer period as the presiding officer may allow. Answers may be used in the same manner as depositions of a party (see § 1.321(d)).

(c) *Motion to compel an answer.* Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory. For purposes of this paragraph, an evasive or incomplete answer is a failure to answer; and if the motion is based on the assertion that the answer is evasive or incomplete, it shall contain a statement as to the scope and detail of an answer which would be considered responsive and complete. The party upon whom the interrogatories were served may file a response within 7 days after the motion is filed, to which he may append an answer or an amended answer. Additional pleadings should not be submitted and will not be considered.

(d) *Action by the presiding officer.* If the presiding officer determines that an objection is not justified, he shall order that the answer be served. If an interrogatory has not been answered, the presiding officer may rule that the right to object has been waived and may order that an answer be served. If an answer does not comply fully with the requirements of this section, the presiding officer may order that an amended answer be served, may specify the scope and detail of the matters to be covered by the amended answer, and may specify any appropriate procedural consequences (including adverse findings of fact and dismissal with prejudice) which will follow from the failure to make a full and responsive answer. If a full and responsive answer is not made, the presiding officer may issue an order invoking any of the procedural consequences specified in the order to compel an answer.

(e) *Appeal.* As order to compel an answer is not subject to appeal.

[33 FR 10572, July 25, 1968, as amended at 35 FR 17334, Nov. 11, 1970]

§ 1.325 Discovery and production of documents and things for inspection, copying, or photographing.

(a) Upon motion of any party showing good cause therefor and upon notice to all other parties, and subject to the provisions of § 1.313, the presiding officer may (1) order any party except the Commission (see paragraph (b) of this section) to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by § 1.311(b) and which are in his possession, custody, or control; or (2) order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by § 1.311(b). The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

(b) Any party seeking the production of Commission records should proceed under § 0.460 or § 0.461 of this chapter. See §§ 0.451-0.467.

[33 FR 463, Jan. 12, 1968, as amended at 40 FR 39509, Aug. 28, 1975]

SUBPENAS

AUTHORITY: Sec. 409, 48 Stat. 1096; 47 U.S.C. 409.

§ 1.331 Who may sign and issue.

Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing, may be signed and issued as follows:

(a) Hearings before the Commission en banc, an individual commissioner, or a panel of commissioners: By any commissioner participating in the conduct of the hearing.

(b) Hearings before an administrative law judge: By the administrative law judge or, in his absence, by the Chief Administrative Law Judge.

§ 1.333 Requests for issuance of subpena.

(a) Unless submitted on the record while a hearing is in progress, requests for a subpena ad testificandum shall be submitted in writing.

(b) Requests for a subpena duces tecum shall be submitted in writing, duly subscribed and verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby.

(c) All requests for subpenas shall be supported by a showing of the general relevance and materiality of the evidence sought.

(d) Requests for subpenas shall be submitted in triplicate, but need not be served on the parties to the proceeding.

(e) Requests for issuance of a subpena ad testificandum to enforce a notice to take depositions shall be submitted in writing. Such requests may be submitted with the notice or at a later date. The request shall not be granted until the period for the filing of motions opposing the taking of depositions has expired or, if a motion has been filed, until that motion has been acted on. Regardless of the time when the subpena request is submitted, it need not be accompanied by a showing that relevant and material evidence will be adduced, but merely that the person will be examined regarding a nonprivileged matter which is relevant to the hearing issues. The subpena request may ask that a subpena duces tecum be contemporaneously issued commanding the person to whom it is directed to produce designated books, papers, documents, or tangible things which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by § 1.311(b) but in that event the subpena request will be subject to the provisions of § 1.313 and paragraph (b) of this section.

(f) Requests for issuance of a subpena duces tecum to enforce an order for the production of documents and things for inspection and copying under § 1.325 may be submitted with the motion requesting the issuance of such an order. Regardless of the time when the subpena request is submitted, it need not be accompanied by a showing that relevant and material evidence will be adduced, but merely that the documents and things to be examined contain nonprivileged matter which is relevant to the subject matter of the proceeding.

[28 FR 12425, Nov. 22, 1963, as amended at 33 FR 466, Jan. 12, 1968]

§ 1.334 Motions to quash.

Any person against whom a subpena is directed may file a motion to quash or limit the subpena, setting forth the reasons why the subpena should not be complied with or why it should be limited in scope.

§ 1.335 Rulings.

Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for subpena or of a motion to quash.

§ 1.336 Service of subpenas.

(a) A subpena may be served by a United States marshal or his deputy, by Commission personnel, or by any person who is not a party to the proceeding and is not less than 18 years of age.

(b) Service of a subpena upon the person named therein shall be made by exhibiting the original subpena to him, by reading the original subpena to him if he is unable to read, by delivering the duplicate subpena to him, and by tendering to him the fees for one day's attendance at the proceeding to which he is summoned and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer or agency thereof, attendance fees and mileage need not be tendered.

§ 1.337 Return of service.

(a) If service of the subpena is made by a person other than a United States marshal or his deputy such person shall make affidavit thereof, stating the date, time, and manner of service.

(b) In case of failure to make service, the reasons for the failure shall be stated on the original subpena by the person who attempted to make service.

(c) The original subpena, bearing or accompanied by the required return affidavit or statement, shall be returned forthwith to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

§ 1.338 Subpena forms.

(a) Subpena forms, marked "Original", "Duplicate", and "Triplicate", and bearing the Commission's seal, may be obtained from the Commission's Dockets Division. These forms are to be completed and submitted with any request for issuance of a subpena.

(b) If the request for issuance of a subpena is granted, the "Original" and "Duplicate" copies of the subpena are returned to the person who submitted the request. The "Triplicate" copy is retained for the Commission's files.

(c) The "Original" copy of the subpena includes a form for proof of service. This form is to be executed by the person who effects service and returned by him to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

(d) The "Duplicate" copy of the subpena shall be served upon the person named therein and retained by him. This copy should be presented in support of any claim for witness fees or mileage allowances for testimony on behalf of the Commission.

§ 1.339 Witness fees.

Witnesses who are subpenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. Fees shall be paid by the party at whose instance the testimony is taken.

§ 1.340 Attendance of witness; disobedience.

The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena, the Commission or any party to a proceeding before the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

EVIDENCE

§ 1.351 Rules of evidence.

Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.352 Cumulative evidence.

The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.353 Further evidence during hearing.

At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.354 Documents containing matter not material.

If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter, material and relevant, in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.355 Documents in foreign language.

Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed shall be accompanied by a separate copy of the translation.

§ 1.356 Copies of exhibits.

No document or exhibit, or part thereof, shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.357 Mechanical reproductions as evidence.

Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by § 1.49, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.358 Tariffs as evidence.

In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.359 Proof of official record; authentication of copy.

An official record or entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.360 Proof of lack of record.

The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as provided in § 1.359. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.361 Other proof of official record.

Sections 1.359 and 1.360 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

§ 1.362 Production of statements.

After a witness is called and has given direct testimony in a hearing, and before he is excused, any party may move for the production of any statement of such witness, or part thereof, pertaining to his direct testimony, in possession of the party calling the witness, if such statement has been reduced to writing and signed or otherwise approved or adopted by the witness. Such motion shall be directed to the presiding officer. If the party declines to furnish the statement, the testimony of the witness pertaining to the requested statement shall be stricken.

[33 FR 466, Jan. 12, 1968]

§ 1.363 Introduction of statistical data.

(a) All statistical studies, offered in evidence in common carrier hearing proceedings, including but not limited to sample surveys, econometric analyses, and experiments, and those parts of other studies involving statistical methodology shall be described in a summary statement, with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. In the case of sample surveys, there shall be a clear description of the survey design, including the definition of the universe under study, the sampling frame, and the sampling units; an explanation of the method of selecting the sample and the characteristics measured or counted. In the case of econometric investigations, the econometric model shall be completely described and the reasons given for each assumption and statistical specification. The effects on the final results of changes in the assumptions should be made clear. When alternative models and variables have been employed, a record shall be kept of these alternative studies, so as to be available upon request. In the case of experimental analyses, a clear and complete description of the experimental design shall be set forth, including a specification of the controlled conditions and how the controls were realized. In addition, the methods of making observations and the adjustments, if any, to observed data shall be described. In the case of every kind of statistical study, the following items shall be set forth clearly: The formulas used for statistical estimates, standard errors and test statistics, the description of statistical tests, plus all related computations, computer programs and final results. Summary descriptions of input data shall be submitted. Upon request, the actual input data shall be made available.

(b) In the case of all studies and analyses offered in evidence in common carrier hearing proceedings, other than the kinds described in paragraph (a) of this section, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgments upon which conclusions are based and a statement of the relative weights given to the various factors in arriving at each conclusion, together with an indication of the alternative courses of action considered. Lists of input data shall be made available upon request.

[35 FR 16254, Oct. 16, 1970]

§ 1.364 Testimony by speakerphone.

(a) If all parties to the proceeding consent and the presiding officer approves, the testimony of a witness may be taken by speakerphone.

(b) Documents used by the witness shall be made available to counsel by the party calling the witness in advance of the speakerphone testimony. The taking of testimony by speakerphone shall be subject to such other ground rules as the parties may agree upon.

[43 FR 33251, July 31, 1978]

Subpart C—Rule Making Proceedings

AUTHORITY: 5 U.S.C. 553.

SOURCE: 28 FR 12432, Nov. 22, 1963, unless otherwise noted.

GENERAL

§ 1.399 Scope.

This subpart shall be applicable to notice and comment rulemakings proceedings conducted under 5 U.S.C. 553, and shall have no application to formal rulemaking (or rate making) proceedings unless the Commission directs that it shall govern the conduct of a particular proceeding.

[42 FR 25735, May 19, 1977]

§ 1.400 Definitions.

As used in this subpart, the term "party" refers to any person who participates in a proceeding by the timely filing of a petition for rule making, comments on a notice of proposed rule making, a petition for reconsideration, or responsive pleadings in the manner prescribed by this subpart. The term does not include those who submit letters, telegrams or other informal materials.

[41 FR 1287, Jan. 7, 1976]

PETITIONS AND RELATED PLEADINGS

§ 1.401 Petitions for rule making.

(a) Any interested person may petition for the issuance, amendment or repeal of a rule or regulation.

(b) The petition for rule making shall conform to the requirements of § 1.49, 1.52 and 1.419(b) (or § 1.420(e), if applicable), and shall be submitted or addressed to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(c) The petition shall set forth the text or substance of the proposed rule, amendment, or rule to be repealed, together with all facts, views, arguments and data deemed to support the action requested, and shall indicate how the interests of petitioner will be affected.

(d) Petitions for amendment of the FM Table of Assignments (§ 73.202 of this chapter) or the Television Table of Assignments (§ 73.606) shall be served by petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of the petition. The petition shall be accompanied by a certificate of service on such licensees or permittees. A draft Notice of Proposed Rule Making may be submitted with a petition for amendment of the FM or Television Table of Assignments.

(e) Petitions which are moot, premature, repetitive, frivolous, or which plainly do not warrant consideration by the Commission may be denied or dismissed without prejudice to the petitioner.

[28 FR 12432, Nov. 22, 1963, as amended at 28 FR 14503, Dec. 31, 1963; 40 FR 53391, Nov. 18, 1975; 45 FR 42621, June 25, 1980]

§ 1.403 Notice and availability.

All petitions for rule making meeting the requirements of § 1.401 will be given a file number, and promptly thereafter, a "Public Notice" will be given (by means of a Commission release entitled "Petitions for Rule Making Filed") as to the petitioner, file number, nature of the proposal and date of filing. petitions are available for public inspection at the Commission's Docket Reference Room in Washington, D.C.

§ 1.405 Responses to petitions; replies.

(a) Any interested person may file a statement in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 30 days after "Public Notice", as provided for in § 1.403, is given of the filing of such a petition. Such a statement shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with § 1.47 and shall conform in other aspects with the requirements of §§ 1.49, 1.52, and 1.419(b).

(b) Any interested person may file a reply to statements in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 15 days after the filing of such a statement. Such a reply shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed on or prior to the date of filing in conformity with § 1.47 and shall conform in other aspects with the requirements of §§ 1.49, 1.52, and 1.419(b).

(c) No additional pleadings may be filed unless specifically requested by the Commission or authorized by it.

(d) The Commission may act on a petition for rule making at any time after the deadline for the filing of replies to statements in support of or in opposition to the petition. Statements in support of or in opposition to a petition for rule making, and replies thereto, shall not be filed after Commission action.

[28 FR 12413, Nov. 22, 1963, as amended at 28 FR 14503, Dec. 31, 1963; 45 FR 42621, June 25, 1980]

§ 1.407 Action on petitions.

If the Commission determines that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rulemaking proceeding, and notice and public procedure thereon are required or deemed desirable by the Commission, an appropriate notice of proposed rule making will be issued. In those cases where notice and public procedure thereon are not required, the Commission may issue a final order amending the rules. In all other cases the petition for rule making will be denied and the petitioner will be notified of the Commission's action with the grounds therefor.

RULE MAKING PROCEEDINGS

§ 1.411 Commencement of rule making proceedings.

Rule making proceedings are commenced by the Commission, either on it own motion or on the basis of a petition for rulemaking. See §§ 1.401-1.407.

§ 1.412 Notice of proposed rule making.

(a) Except as provided in paragraphs (b) and (c) of this section, prior notice of proposed rulemaking will be given.

(1) Notice is ordinarily given by publication of a "Notice of Proposed Rule Making" in the FEDERAL REGISTER. The text of the Notice is in that event also released by the Commission, and is available to interested persons in the Office of Information.

(2) If all persons subject to the proposed rules are named, the proposal may (in lieu of publication) be personally served upon those persons.

(3) If all persons subject to the proposed rules are named and have actual notice of the proposal as a matter of law, further prior notice of proposed rulemaking is not required.

(b) Rule changes (including adoption, amendment, or repeal of a rule or rules) relating to the following matters will ordinarily be adopted without prior notice:

(1) Any military, naval, or foreign affairs function of the United States.

(2) Any matter relating to Commission management or personnel or to public property, loans, grants, benefits, or contracts.

(3) Interpretative rules.

(4) General statements of policy.

(5) Rules of Commission organization, procedure, or practice.

(c) Rule changes may in addition be adopted without prior notice in any situation in which the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. The finding of good cause and a statement of the basis for that finding are in such situations published with the rule changes.

(d) In addition to the notice provisions of paragraph (a) of this section, the Commission, before prescribing any requirements as to accounts, records, or memoranda to be kept by carriers, will notify the appropriate State agencies having jurisdiction over any carrier involved of the proposed requirements.

[28 FR 12432, Nov. 22, 1963, as amended at 32 FR 20861, Dec. 28, 1967]

§ 1.413 Content of notice.

A notice of the proposed issuance, amendment, or repeal of a rule will include the following:

(a) A statement of the time, nature and place of any public rulemaking proceeding to be held.

(b) Reference to the authority under which the issuance, amendment or repeal of a rule is proposed.

(c) Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(d) The docket number assigned to the proceeding.

(e) A statement of the time for filing comments and replies thereto.

§ 1.415 Comments and replies.

(a) After notice of proposed rule making is issued, the Commission will afford interested persons an opportunity to participate in the rulemaking proceeding through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rulemaking.

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rule making.

(d) No additional comments may be filed unless specifically requested or authorized by the Commission.

NOTE: In some (but not all) rule making proceedings, interested persons may also communicate with the Commission and its staff on an ex parte basis, provided certain procedures are followed. See §§ 1.420 and 1.1201 et seq. See also —— FCC 2d —— (1980) (*i.e.*, this order).

(e) For time limits for filing motions for extension of time for filing responses to petitions for rulemaking, replies to such responses, comments filed in response to notices of proposed rulemaking, replies to such comments, see § 1.46(b).

[28 FR 12432, Nov. 22, 1963, as amended at 42 FR 28888, June 6, 1977; 45 FR 45591, July 7, 1980]

§ 1.419 Form of comments and replies; number of copies.

(a) Comments, replies, and other documents filed in a rule making proceeding shall conform to the requirements of § 1.49.

(b) An original and 5 copies of all comments, briefs and other documents filed in a rulemaking proceeding shall be furnished the Commission. The distribution of such copies shall be as follows:

Dockets (original and 1)	2
Bureau	2
Secretary	1
Information office	1
Total	6

Participants filing the required 6 copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. The distribution of such copies shall be as follows:

Commissioners	7
Dockets (original and 1)	2
Bureau	2
Information office	1
Total	12

However, members of the general public who wish to express their interest by participating informally in a rulemaking proceeding may do so by submitting one copy of their comments, without regard to form, provided only that the Docket Number is specified in the heading. Also such informal participants who wish responsible members of the staff to have a personal copy and to have an extra copy available for the Commissioners may file an additional 5 copies. The distribution of such copies shall be as follows:

Dockets (original and 1)	2
Bureau	2
Secretary	1
Information office	1
Total	6

(c) Any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket. This requirement does not apply if the proceedings have been consolidated.

[28 FR 12432, Nov. 22, 1963, as amended at 41 FR 50399, Nov. 16, 1976]

§ 1.420 Additional procedures in proceedings for amendment of the FM or Television Table of Assignments.

(a) Comments filed in proceedings for amendment of the FM Table of Assignments (§ 73.202 of this chapter) or the Television Table of Assignments (§ 73.606) which are initiated on a petition for rulemaking shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the FM or Television Table of Assignments shall be served on the person(s) who filed the comments to which the reply is directed.

(c) Such comments and reply comments shall be accompanied by a certificate of service.

(d) Counterproposals shall be advanced in initial comments only and will not be considered if they are advanced in reply comments.

(e) An original and 4 copies of all petitions for rule making, comments, reply comments, and other pleadings shall be filed with the Commission.

(f) Petitions for reconsideration and responsive pleadings shall be served on parties to the proceeding and on any licensee or permittee whose authorization may be modified to specify operation on a different channel, and shall be accompanied by a certificate of service. The filing of a petition for reconsideration of an order modifying an authorization to specify operation on a different channel shall stay the effect of a change in the rules pending action on the petition.

[39 FR 44022, Dec. 20, 1974, as amended at 40 FR 53391, Nov. 18, 1975; 41 FR 1287, Jan. 7, 1976]

§ 1.421 Further notice of rule making.

In any rule making proceeding where the Commission deems it warranted, a further notice of proposed rule making will be issued with opportunity for parties of record and other interested persons to submit comments in conformity with §§ 1.415 and 1.419.

§ 1.423 Oral argument and other proceedings.

In any rule making proceeding where the Commission determines that an oral argument, hearing or any other type of proceeding is warranted, notice of the time, place and nature of such proceeding will be published in the FEDERAL REGISTER and will be mailed to all parties to the proceeding.

§ 1.425 Commission action.

The Commission will consider all relevant comments and material of record before taking final action in a rule making proceeding and will issue a decision incorporating its finding and a brief statement of the reasons therefor.

§ 1.427 Effective date of rules.

(a) Any rule issued by the Commission will be made effective not less than 30 days from the time it is published in the FEDERAL REGISTER except as otherwise specified in paragraphs (b) and (c) of this section.

(b) For good cause found and published with the rule, any rule issued by the Commission may be made effective within less than 30 days from the time it is published in the FEDERAL REGISTER. Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel, public property, loans, grants, benefits or contracts; rules granting or recognizing exemption or relieving restriction; rules of organization, procedure or practice; or interpretative rules; and statements of policy may be made effective without regard to the 30-day requirement.

(c) In cases of alterations by the Commission in the required manner or form of keeping accounts by carriers, notice will be served upon affected carriers not less than 6 months prior to the effective date of such alterations.

§ 1.429 Petition for reconsideration.

(a) Any interested person may petition for reconsideration of a final action in a proceeding conducted under this subpart (see §§ 1.407 and 1.425). Where the action was taken by the Commission, the petition will be acted on by the Commission. Where action was taken by a staff official under delegated authority, the petition may be acted on by the staff official or referred to the Commission for action.

NOTE: The staff has been authorized to act on rule making proceedings described in § 1.420 and is authorized to make editorial changes in the rules (see § 0.231(d)).

(b) A petition for reconsideration which relies on facts which have not previously been presented to the Commission will be granted only under the following circumstances:

(1) The facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present them to the Commission;

(2) The facts relied on were unknown to petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the facts in question prior to such opportunity; or

(3) The Commission determines that consideration of the facts relied on is required in the public interest.

(c) The petition for reconsideration shall state with particularity the respects in which petitioner believes the action taken should be changed.

(d) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules. No supplement to a petition for reconsideration filed after expiration of the 30 day period will be considered, except upon leave granted pursuant to a separate pleading stating the grounds for acceptance of the supplement. The petition for reconsideration shall not exceed 25 double-spaced typewritten pages.

(e) Except as provided in § 1.420(f), petitions for reconsideration need not be served on parties to the proceeding. (However, where the number of parties is relatively small, the Commission encourages the service of petitions for reconsideration and other pleadings, and agreements among parties to exchange copies of pleadings.) When a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the FEDERAL REGISTER. The time for filing oppositions to the petition runs from the publication date of the notice.

(f) Oppositions to a petition for reconsideration shall be filed within 15 days after public notice of the petition's filing is published in the FEDERAL REGISTER and need be served only on the person who filed the petition. Oppositions shall not exceed 25 double-spaced typewritten pages.

(g) Replies to an opposition shall be filed within 10 days after the time for filing oppositions has expired and need be served only on the person who filed the opposition. Replies shall not exceed 10 double-spaced typewritten pages.

(h) Petitions for reconsideration, oppositions and replies shall conform to the requirements of §§ 1.49 and 1.52, except that they need not be verified. Except as provided in § 1.420(e), an original and 11 copies shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(i) The Commission may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Any order disposing of a petition for reconsideration which modifies rules adopted by the original order is, to the extent of such modification, subject to reconsideration in the same manner as the original order. Except in such circumstance, a second petition for reconsideration may be dismissed by the staff as repetitious.

(j) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission, except where the person seeking such review was not a party to the proceeding resulting in the action or relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Subject to the provisions of paragraph (b) of this section, such a person may qualify to seek judicial review by filing a petition for reconsideration.

(k) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with any rule or operate in any manner to stay or postpone its enforcement. However, upon good cause shown, the Commission will stay the effective date of a rule pending a decision on a petition for reconsideration. See, however, § 1.420(f).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[41 FR 1287, Jan. 7, 1976, as amended at 44 FR 5436, Jan. 26, 1979; 46 FR 18556, Mar. 25, 1981]

INQUIRIES

§ 1.430 Proceedings on a notice of inquiry.

The provisions of this subpart also govern proceedings commenced by issuing a "Notice of Inquiry", except that such proceedings do not result in the adoption of rules.

[41 FR 1287, Jan. 7, 1976]

Subpart D—Broadcast Applications and Proceedings

SOURCE: 44 FR 38483, July 2, 1979, unless otherwise noted.

§ 1.502 Emergency Broadcast Authorizations.

See § 73.913.

GENERAL FILING REQUIREMENTS

§ 1.511 Applications required.

See § 73.3511.

§ 1.512 Where to file; number of copies.

See § 73.3512.

§ 1.513 Who may sign applications.

See § 73.3513.

§ 1.514 Content of applications.

See § 73.3514.

§ 1.516 Specification of facilities.

See § 73.3516.

§ 1.517 Contingent applications.

See § 73.3517.

§ 1.518 Inconsistent or conflicting applications.

See § 73.3518.

§ 1.519 Repetitious applications.

See § 73.3519.

§ 1.520 Multiple applications.

See § 73.3520.

§ 1.522 Amendment of applications.

See § 73.3522.

§ 1.525 Agreements between parties for amendment or dismissal of, or failure to prosecute, broadcast applications.

See § 73.3525.

§ 1.526 Records to be maintained locally for public inspection by commercial applicants, permittees and licensees.

See § 73.3526.

§ 1.527 Records to be maintained locally for public inspection by noncommercial educational applicants, permittees and licensees.

See § 73.3527.

§ 1.531 Formal and informal applications.

See § 73.3511.

§ 1.533 Application forms for authority to construct a new station or make changes in an existing station.

See § 73.3533.

§ 1.534 Application for extension of construction permit or for construction permit to replace expired construction permit.

See § 73.3534.

§ 1.536 Application for license to cover construction permit.

See § 73.3536.

§ 1.538 Application for modification of license.

See § 73.3538.

§ 1.539 Application for renewal of license.

See § 73.3539.

§ 1.540 Application for voluntary assignment or transfer of control.

See § 73.3540.

§ 1.541 Application for involuntary assignment of license or transfer of control.

See § 73.3541.

§ 1.542 Application for temporary authorization.

See § 73.3542.

§ 1.543 Application for renewal or modification of special service authorization.

See § 73.3543.

§ 1.544 Application for broadcast station to conduct field strength measurements and for experimental operation.

See §§ 73.157 and 73.1510.

§ 1.545 Application for permit to deliver programs to foreign countries.

See § 73.3545.

§ 1.546 Application to determine operating power by direct measurement of antenna power.

See § 73.45.

§ 1.547 Application for permission to use lesser grade operators.

See § 73.3547.

§ 1.548 Application to operate by remote control.

See § 73.3548.

§ 1.549 Requests for extension of authority to operate without required monitors, indicating instruments, and EBS Attention Signal devices.

See § 73.3549.

§ 1.550 Requests for new or modified call sign assignments.

See § 73.3550.

§ 1.561 Staff consideration of applications which receive action by the Commission.

See § 73.3561.

§ 1.562 Staff consideration of applications which do not require action by the Commission.

See § 73.3562.

§ 1.564 Acceptance of applications.

See § 73.3564.

§ 1.566 Defective applications.

See § 73.3566.

§ 1.568 Dismissal of applications.

See § 73.3568.

§ 1.569 Applications for frequencies adjacent to Class I-A channels.

See § 73.3569.

§ 1.570 AM broadcast station applications involving other North American countries.

See § 73.3570.

§ 1.571 Processing AM broadcast station applications.

See § 73.3571.

§ 1.572 Processing TV broadcast and translator station applications.

See § 73.3572.

§ 1.573 Processing FM broadcast and translator station applications.

See § 73.3573.

§ 1.574 Processing of International broadcast station applications.

See § 73.3574.

§ 1.578 Amendments to applications for renewal, assignment or transfer of control.

See § 73.3578.

§ 1.580 Local public notice of filing of broadcast applications.

See § 73.3580.

§ 1.584 Petitions to deny.

See § 73.3584.

§ 1.587 Procedure for filing informal applications.

See § 73.3587.

§ 1.591 Grants without hearing.

See § 73.3591.

§ 1.592 Conditional grant.

See § 73.3592.

§ 1.593 Designation for hearing.

See § 73.3593.

§ 1.594 Local public notice of designation for hearing.

See § 73.3594.

§ 1.597 Procedures on transfer and assignment applications.

See § 73.3597.

§ 1.598 Period of construction.

See § 73.3598.

§ 1.599 Forfeiture of construction permit.

See § 73.3599.

§ 1.601 Simultaneous modification and renewal of license.

See § 73.3601.

§ 1.603 Special waiver procedure relative to applications.

See § 73.3603.

§ 1.605 Retention of applications in hearing status after designation for hearing.

See § 73.3605.

§ 1.611 Financial report.

See § 73.3611.

§ 1.612 Annual employment report.

See § 73.3612.

§ 1.613 Filing of contracts.

See § 73.3613.

§ 1.615 Ownership reports.

See § 73.3615.

Subpart E—Complaints, Applications, Tariffs, and Reports Involving Common Carriers

SOURCE: 28 FR 12450, Nov. 22, 1963, unless otherwise noted.

GENERAL

§ 1.701 Show cause orders.

(a) The Commission may commence any proceeding within its jurisdiction against any common carrier by serving upon the carrier an order to show cause. The order shall contain a statement of the particulars and matters concerning which the Commission is inquiring and the reasons for such action, and will call upon the carrier to appear before the Commission at a place and time therein stated and give evidence upon the matters specified in the order.

(b) Any carrier upon whom an order has been served under this section shall file its answer within the time specified in the order. Such answer shall specifically and completely respond to all allegations and matters contained in the show cause order.

(c) All papers filed by a carrier in a proceeding under this section shall conform with the specifications of §§ 1.49 and 1.50 and the subscription and verification requirements of § 1.52.

[28 FR 12450, Nov. 22, 1963, as amended at 36 FR 7423, Apr. 20, 1971]

§ 1.703 Appearances.

(a) *Hearings.* Except as otherwise required by § 1.221 regarding application proceedings, by § 1.91 regarding proceedings instituted under section 312 of the Communications Act of 1934, as amended, or by Commission order in any proceeding, no written statement indicating intent to appear need be filed in advance of actual appearance at any hearing by any person or his attorney.

(b) *Oral arguments.* Within 5 days after release of an order designating an initial decision for oral argument or within such other time as may be specified in the order, any party who wishes to participate in the oral argument shall file a written statement indicating that he will appear and participate. Within such time as may be specified in an order designating any other matter for oral argument, any person wishing to participate in the The Commission will advise him whether he may participate. (See § 1.277 for penalties for failure to file appearance statements in proceedings involving oral arguments on initial decisions.)

(c) *Commission counsel.* The requirement of paragraph (b) of this section shall not apply to counsel representing the Commission or the Chief of the Common Carrier Bureau.

COMPLAINTS

§ 1.711 Formal or informal complaints.

Complaints filed against carriers under section 208 of the Communications Act may be either formal or informal.

§ 1.713 Satisfaction of complaints: damages.

If a carrier satisfies any complaint brought to its attention by the Commission, a statement must be filed with the Commission, in duplicate, setting forth when and how the complainant has been satisfied: *Provided, however,* That no complaint seeking damages as a result of alleged unjust or unreasonable charges, practices, classifications, or regulations contained in an effective tariff schedule on file with the Commission shall be satisfied except after appropriate authorization by the Commission.

INFORMAL COMPLAINTS

§ 1.716 Form.

An informal complaint shall be in writing and shall contain: (a) The name and address of the complainant, (b) the name of the carrier against which the complaint is made, and (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act.

§ 1.717 Procedure.

Upon receipt of any informal complaint, the Commission will forward a copy to the carrier complained of or take the question up by correspondence with the carrier. The carrier will also be called upon, within such time as may be prescribed, either to satisfy the complaint or advise the Commission of its refusal or inability to do so. If the carrier satisfies the complaint, it shall so notify the Commission in accordance with the provisions of § 1.713. The Commission will forward a copy of the carrier's notice of satisfaction to the complainant. If the carrier refuses or is unable to satisfy the complaint, it shall so notify the Commission, in duplicate, and the Commission will forward a copy of such notice to the complainant, with a statement of the procedure to be followed to further prosecute the complaint.

§ 1.718 Unsatisfied informal complaints; formal complaints relating back to the filing dates of informal complaints.

When an informal complaint has not been satisfied pursuant to § 1.717, the complainant may file a formal complaint in the form specified in § 1.721. Such filing will be deemed to relate back to the filing date of the informal complaint: *Provided,* That the formal complaint: (a) Is filed within 6 months from the date of the Commission's statement accompanying a copy of the carrier's notice of refusal or inability to satisfy, (b) makes reference to the date of the informal complaint, and (c) is based on the same cause of action as the informal complaint. If no formal complaint is filed within the 6-month period, the complainant will be deemed to have abandoned the unsatisfied informal complaint, and such complaint will be deemed dismissed.

FORMAL COMPLAINTS

§ 1.721 Form.

(a) A formal complaint shall contain the name of each complainant and defendant, the address of each complainant, and the name and address of his attorney, if represented by attorney, and shall be subscribed and verified by the complainant.

(b) The following form may be used in cases to which it is applicable, with such alterations as the circumstances may render necessary.

COMPLAINT

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.

File No. (To be inserted by the Common Carrier Bureau).

Docket No. (To be inserted by the Secretary of the Commission).

——————————————

Complainant

v.

——————————————

Defendant

The complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) shows:

(1) That (here state occupation and post office address of each complainant).

(2) That (here insert the full name, occupation, and post office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

Wherefore, complainant asks (here state specifically the relief desired).

Dated at ——— this ——— day of ———, 19—.

———————

(Name of each complainant)

———————

(Name and address of attorney, if any)

Form of Verification

——————————————

being first duly sworn, on oath, deposes, and says: That he is the complainant (or one of the complainants) in the above-entitled matter; that he has read the within and foregoing complaint and knows the contents thereof, and that the matter and things therein stated are true of his own knowledge, save and except those matters therein stated on information and belief, and as to those he believes them to be true.

Subscribed and sworn to before me this ——— day of ——— 19—.

———————

(Notary public or other proper officer)

[28 FR 12450, Nov. 22, 1963, as amended at 40 FR 51441, Nov. 5, 1975]

§ 1.722 Statement of issues and facts.

A formal complaint shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Communications Act, or an order, rule, or regulation of the Commission have been violated; as to the facts claimed to constitute such violation, including such data as will identify, with reasonable certainty, the communications, transmissions, or other services complained of (as well as any other appropriate facts elicited by § 1.723); and as to the relief sought.

§ 1.723 Damages; allegations with certainty.

(a) In case recovery of damages is sought, the complaint shall contain appropriate allegations showing such data as will serve to identify, with reasonable certainty, the communications, transmissions, or other services for which recovery is sought, and shall state:

(1) That the complainant makes claim for damages;

(2) The name and address of each individual claimant asking damages;

(3) The name and address of the defendant against which claim is made;

(4) The communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne;

(5) The period of time within which, or the specific dates when the communications, transmissions, or other services were rendered;

(6) The points of origin and reception of the communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the allegations of the complaint shall state the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne;

(7) The nature and amount of injury sustained by each claimant;

(8) Separately, the damages with respect to each communication, transmission, or other service for which recovery is sought;

(9) If damages are sought on behalf of others than the complainant, in what capacity or by what authority complaint is made in their behalf; and

(10) That suit has not been filed in any court on the basis of the same cause of action.

(b) Damages will not be awarded upon a complaint unless specifically requested. Damages may be awarded, however, upon a supplemental complaint based upon the finding of the Commission in the original proceeding.

§ 1.724 Specific tariff schedule references.

The several charges, classifications, regulations, or practices complained of should be set out by specific reference to the tariff schedules in which they appear, whenever that is possible.

§ 1.725 Joinder of complainants and causes of action.

(a) Two or more complainants may join in one complaint if their respective causes of action are against the same defendant and concern substantially the same alleged violation of the Communications Act and substantially the same facts.

(b) Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but should be separately stated and numbered.

§ 1.726 Discrimination, preference, or prejudice.

When unjust or unreasonable discrimination or undue or unreasonable preference, advantage, prejudice, or disadvantage is alleged, the complaint shall clearly specify the particular person, company or other entity, locality, or description of traffic affected thereby, and the particular discrimination, preference, advantage, prejudice, or disadvantage relied upon as constituting a violation of the Communications Act.

§ 1.727 Supplemental complaints.

(a) *Filing.* There may be filed with the Commission a supplemental complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action.

(b) *Seeking damages.* If recovery of damages or overcharges is sought by supplemental complaint, it must be filed with the Commission within the statutory periods of limitations as to actions contained in section 415 of the Communications Act.

§ 1.728 Cross complaints.

A cross complaint, seeking any relief within the jurisdiction of the Commission against any carrier which is a party (complainant or defendant) to the proceeding, may be filed by a defendant with its answer. A cross complaint will be accepted for filing and will be served by the Commission in the manner provided in § 1.729 for serving complaints. For the purpose of this subpart, the term "cross complaint" shall include counterclaim.

§ 1.729 Copies; service.

(a) For provisions relating to the number of copies of pleadings and briefs to be filed in formal complaint proceedings, see § 1.51.

(b) The Commission will serve a copy of any formal complaint filed with it (and any supplemental, amended, or cross complaint) together with a notice of the filing of the complaint. Such notice shall call upon the carrier to satisfy the complaint in accordance with § 1.713 or answer the same in writing within the time specified in said notice.

(c) All subsequent pleadings and brief filed in any formal complaint proceeding shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.47. Proof of such service shall also be made in accordance with the requirements of said section.

[28 FR 12450, Nov. 22, 1963, as amended at 36 FR 7423, Apr. 20, 1971]

§ 1.730 Answers to complaints, supplemental complaints, amended complaints, and cross complaints.

Any carrier upon whom a copy of a formal complaint, supplemental complaint, amended complaint, or cross complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 1.731 Motions to dismiss complaints or to make them more definite and certain.

(a) A defendant may serve with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on the face of such complaint.

(b) Within 10 days after service of a complaint by the Commission, a defendant may file a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. If such motion is granted by the Commission, it will order the complainant to file an amended complaint within such time as may be specified in the order.

§ 1.732 Replies to answers or amended answers; motions to make answers more definite and certain.

Within 10 days after service of an answer or an amended answer, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed as admission of any allegations contained in such answer or amended answer. A complainant may also serve with his reply a motion that the answer be made more definite and certain, such motion to point out the defects complained of and the details desired. If such motion is granted by the Commission, it will order the defendant to file an amended answer within such time as may be specified in the order.

§ 1.733 Oppositions to motions to dismiss complaints or to make them more definite and certain.

Within 10 days after service of a motion to dismiss a complaint or to make it more definite and certain, a complainant may serve an opposition to such motion.

§ 1.734 Specifications as to pleadings, briefs, and other documents; subscription and verification.

All papers filed in any formal complaint proceeding must be drawn in conformity with the requirements of §§ 1.49, 1.50, and 1.52.

§ 1.735 Formal complaints not stating a cause of action; defective pleadings.

(a) Any document purporting to be a formal complaint which does not state a cause of action under the Communications Act will be dismissed. In such case any amendment to such document will be considered a new filing which must be made within the statutory periods of limitations of actions contained in section 415 of the Communications Act, if recovery of damages or overcharges is sought.

(b) Any pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable rules in this part (other than the matter covered in paragraph (a) of this section) may be deemed defective. In such case the Commission will:

(1) Request that specified defects be corrected and that corrected pleadings be filed and served within a prescribed time as a condition to being treated as timely filed; and

(2) Notify all persons known to the Commission to have been served with any defective pleading of the action taken under this paragraph.

APPLICATIONS

§ 1.741 Scope.

The general rules relating to applications contained in §§ 1.742 through 1.748 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to Parts 21, 81, 83, 85, and 87 of this chapter, and those filed by common carriers pursuant to Part 25 of this chapter. Part 21 contains general rules applicable to applications filed pursuant thereto. For general rules applicable to applications filed pursuant to Parts 81, 83, 85, and 87, see such parts and Subpart F of this part. For rules applicable to applications filed pursuant to Part 25, see said part.

§ 1.742 Place of filing, fees, and number of copies.

All applications shall be tendered for filing at the Commission's main office in Washington, D.C. The applications will be dated by the Mail and Files Division upon receipt and then forwarded to the Common Carrier Bureau. The number of copies required for each application and the nonrefundable fees (see Subpart G) which must accompany each application in order to qualify it for acceptance for filing and consideration are set forth in the rules in this chapter relating to various types of applications. However, if any application is not of the types covered by this chapter, an original and two copies of each such application shall be submitted, accompanied by a nonrefundable fee of $10.

[29 FR 12371, Aug. 28, 1964]

§ 1.743 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability, or in case the applicant does not reside in any of the contiguous 48 States of the United States or in the District of Columbia. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 1.744 Amendments.

(a) Any application not designated for hearing may be amended at any time by the filing of signed amendments in the same manner, and with the same number of copies, as was the initial application. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

(b) After any application is designated for hearing, requests to amend such application may be granted by the presiding officer upon good cause shown by petition, which petition shall be properly served upon all other parties to the proceeding.

(c) The applicant may at any time be ordered to amend his application so as to make it more definite and certain. Such order may be issued upon motion of the Commission (or the presiding officer, if the application has been designated for hearing) or upon petition of any interested person, which petition shall be properly served upon the applicant and, if the application has been designated for hearing, upon all parties to the hearing.

[29 FR 6444, May 16, 1964, and 31 FR 14394, Nov. 9, 1966]

§ 1.745 Additional statements.

The applicant may be required to submit such additional documents and written statements of fact, signed and verified (or affirmed), as in the judgment of the Commission (or the presiding officer, if the application has been designated for hearing) may be necessary. Any additional documents and written statements of fact required in connection with applications under Title II of the Communications Act need not be verified (or affirmed).

[29 FR 6444, May 16, 1964]

§ 1.746 Defective applications.

(a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration. Such applications will be accepted for filing and consideration if accompanied by petition showing good cause for waiver of the rule with which the application does not conform.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 1.747 Inconsistent or conflicting applications.

When an application is pending or undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, his successor, or assignee, will be considered by the Commission.

§ 1.748 Dismissal of applications.

(a) *Before designation for hearing.* Any application not designated for hearing may be dismissed without prejudice at any time upon request of the applicant. An applicant's request for the return of an application that has been accepted for filing and consideration, but not designated for hearing, will be deemed a request for dismissal without prejudice. The Commission may dismiss an application without prejudice before it has been designated for hearing when the applicant fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

(b) *After designation for hearing.* A request to dismiss an application without prejudice after it has been designated for hearing shall be made by petition properly served upon all parties to the hearing and will be granted only for good cause shown. An application may be dismissed with prejudice after it has been designated for hearing when the applicant:

(1) Fails to comply with the requirements of § 1.221(c);

(2) Otherwise fails to prosecute his application; or

(3) Fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

[28 FR 12450, Nov. 22, 1963, as amended at 29 FR 6445, May 16 1964]

§ 1.749 Action on application under delegated authority.

Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in Subpart B of Part 0 of this chapter, may be acted upon by the Telegraph Committee, the Telephone Committee, or the Chief of the Common Carrier Bureau, respectively, subject to reconsideration by the Commission.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

§ 1.761 Cross reference.

Specific types of applications under Title III of the Communications Act involving public correspondence radio stations are specified in Parts 21, 23, 81, 83, and 87 of this chapter.

§ 1.762 Interlocking directorates.

Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act or for a finding that two or more carriers are commonly owned shall be made in the form and manner, with the number of copies and accompanied by the fees set forth in Part 62 of this chapter. The Commission shall be informed of any change in status of any person authorized to hold the position of officer or director of more than one carrier, as required by Part 62 of this chapter.

§ 1.763 Construction, extension, acquisition or operation of lines.

(a) Applications under section 214 of the Communications Act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service, or to supplement existing facilities shall be made in the form and manner, with the number of copies and accompanied by the fees specified in Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are filed with the regulatory agencies of the States involved.

§ 1.764 Discontinuance, reduction, or impairment of service.

(a) Applications under section 214 of the Communications Act for authority to discontinue, reduce, or impair service to a community or part of a community or for the temporary, emergency, or partial discontinuance, reduction, or impairment of service shall be made in the form and manner, with the number of copies and accompanied by the fees specified in Part 63 of this chapter. Posted and published notice shall be given the public as required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points), and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of all formal applications under this section requesting authorizations (including certificates) are filed with the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points) and the Governor of each State involved. Copies of all applications under this section requesting authorizations (including certificates) are filed with the regulatory agencies of the States involved.

[28 FR 12450, Nov. 22, 1963, as amended at 40 FR 51441, Nov. 5, 1975]

§ 1.765 Consolidation or acquisition of telephone companies.

Applications under section 221(a) of the Communications Act for authority to consolidate or acquire telephone companies shall be made in the form and manner, with the number of copies and accompanied by the fees shown in Part 66 of this chapter.

§ 1.766 Consolidation of domestic telegraph carriers.

(a) Applications under section 222 of the Communications Act by two or more domestic telegraph carriers for authority to effect a consolidation or merger or by any domestic telegraph carrier to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier shall contain such information as is necessary for the Commission to act upon such application under the provisions of section 222 of the act. Each such application shall be accompanied by a non-refundable fee of $10.00.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of the Army, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.767 Cable landing licenses.

(a) Applications for cable landing licenses under 47 U.S.C. 34-39 and Executive Order No. 10530, dated May 10, 1954, should be filed in duplicate and in accordance with the provisions of that Executive Order. These applications should contain the name and address of the applicant; the corporate structure and citizenship of officers if a corporation; a description of the submarine cable, including the type and number of channels and the capacity thereof; the location of points on the shore of the United States and in foreign countries where cable will land (including a map); the proposed use, need, and desirability of the cable; and such other information as may be necessary to enable the Commission to act thereon. A separate application shall be filed with respect to each individual cable system for which a license is requested, or for which modification or amendment of a previous license is requested and each such application shall be accompanied by a nonrefundable fee of $100.

(b) These applications are acted upon by the Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as it may require.

(c) Original files relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D.C.

(d) Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State, and such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for inspection of these files should, however, be addressed to the Federal Communications Commission, Washington, D.C., 20554; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

TARIFFS

§ 1.771 Filing.

Schedules of charges, and classifications, practices, and regulations affecting such charges, required under section 203 of the Communications Act shall be constructed, filed, and posted in accordance with and subject to the requirements of Part 61 of this chapter.

§ 1.772 Application for special tariff permission.

Applications under section 203 of the Communications Act for special tariff permission shall be made in the form and manner, with the number of copies and accompanied by the fees shown in Part 61 of this chapter.

§ 1.773 Petitions for suspension or rejection of new tariff filings.

(a) *Petition*—(1) *Content.* Petitions seeking suspension or rejection of a new tariff filing or any provision thereof shall specify its Federal Communications Commission tariff number and carrier transmittal number, the items against which protest is made, and the specific reasons why the protested tariff filing warrants suspension or rejection under the Communications Act. When more than one form of relief is sought in a single petition, arguments supporting different forms of relief shall be separately and distinctly set forth. No petition shall include a prayer that it also be considered a formal complaint. Any formal complaint shall be filed as a separate pleading as provided in § 1.721.

(2) *When filed.* All petitions seeking suspension or rejection of a new tariff filing shall meet the filing requirements of this paragraph. In case of emergency and within the time limits provided, a telegraphic request for such relief may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a)(1) of this section. A copy of any such telegraphic request shall be sent simultaneously to the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier. Thereafter, the request shall be confirmed by petition filed and served in accordance with § 1.773(c).

(i) Petitions seeking suspension or rejection of a new tariff filing made on less than 30 days notice shall be filed and served within 7 days after the date of the tariff filing.

(ii) Petitions seeking suspension or rejection of a new tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 15 days after the date of the tariff filing.

(iii) Petitions seeking suspension or rejection of a new tariff filing made on 90 or more days notice shall be filed and served within 25 days after the date of the tariff filing.

(3) *Computation of time.* Intermediate holidays shall be counted in determining the above filing dates. If the date for filing the petition falls on a holiday, the petition shall be filed on the next succeeding business day.

(b) *Reply*—(1) *When filed.* A publishing carrier's reply to a petition for relief from a tariff filing shall be filed in accordance with the following periods:

(i) Replies to petitions seeking suspension or rejection of a new tariff filing made on less than 30 days notice shall be filed and served within 4 days after service of the petition.

(ii) Replies to petitions seeking suspension or rejection of a new tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 5 days after service of the petition.

(iii) Replies to petitions seeking suspension or rejection of a new tariff filing made on 90 or more days notice shall be filed and served within 8 days after service of the petition.

(2) *Computation of time.* Intermediate holidays shall not be counted in determining the above filing dates. When a petition is served upon the filing carrier by mail, an additional 3 days (counting holidays) may be allowed for filing the reply. If the date for filing the reply falls on a holiday, the reply may be filed on the next succeeding business day.

(c) *Copies, Service.* An original and 4 copies of each petition or reply shall be filed with the Commission and separate copies served simultaneously upon the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier or petitioner.

[45 FR 64190, Sept. 29, 1980]

CONTRACTS, REPORTS, AND REQUESTS REQUIRED TO BE FILED BY CARRIERS

§ 1.781 Requests for extension of filing time.

Requests for extension of time within which to file contracts, reports, and requests referred to in §§ 1.783 through 1.814 shall be made in writing and may be granted for good cause shown.

CONTRACTS

§ 1.783 Filing.

Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed as required by Part 43 of this chapter.

FINANCIAL AND ACCOUNTING REPORTS AND REQUESTS

§ 1.785 Annual financial reports.

(a) Annual financial reports shall be filed by carriers and affiliates as required by Part 43 of this chapter on the following forms:

(1) Form H (holding companies who do not report to the Commission in the manner prescribed in paragraph (b) of this section).

(2) Form L (licensees in the domestic public land mobile radio services who do not report to the Commission on Annual Report Form M).

(3) Form M (telephone companies).

(4) Form O (wire-telegraph and ocean-cable carriers).

(5) Form R (radiotelegraph carriers).

(6) Form P (licensees in domestic public point-to-point microwave radio service who are miscellaneous common carriers as defined in § 21.1 of this chapter).

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10-K, Form 1-MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person directly or indirectly controlling any communications common carrier in accordance with Part 43 of this chapter

(c) Carriers having separate departments or divisions for carrier and non-carrier operations shall file separate supplemental annual reports with respect to such carrier and non-carrier operations in accordance with Part 43 of this chapter.

[28 FR 12450, Nov. 22, 1963, as amended at 31 FR 747, Jan. 20, 1966; 34 FR 12137, July 19, 1969]

§ 1.786 Monthly financial reports.

(a) Monthly reports of revenues, expenses, and other items shall be filed by carriers as required by Part 43 of this chapter on the following forms:

FCC Form 901—Telephone.

FCC Form 903—Radiotelegraph and Oceancable.

FCC Form 905—Wire-telegraph.

(b) Companies controlling a system of two or more telephone communications common carrier subsidiaries both or all of which are subject to the Rules and Regulations of this Commission shall file FCC Form 901 monthly on a consolidated system basis.

[28 FR 12415, Nov. 22, 1963, as amended at 41 FR 29394, July 16, 1976]

§ 1.787 Reports of proposed changes in depreciation rates.

Carriers shall file reports regarding proposed changes in depreciation rates as required by Part 43 of this chapter.

§ 1.788 Reports regarding pensions and benefits.

Carriers shall file reports regarding pensions and benefits as required by Part 43 of this chapter.

§ 1.789 Reports regarding division of international telegraph communication charges.

Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by Part 43 of this chapter.

§ 1.790 Reports relating to traffic by international carriers.

Carriers shall file periodic reports regarding overseas point-to-point traffic and marine telegraph traffic as required by Part 43 of this chapter.

[29 FR 14667, Oct. 28, 1964]

§ 1.791 Reports and requests to be filed under Part 31 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval by class A and class B telephone companies in accordance with and subject to the provisions of Part 31 of this chapter.

§ 1.792 Reports and requests to be filed under Part 33 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by class C telephone companies in accordance with and subject to the provisions of Part 33 of this chapter.

§ 1.793 Reports and requests to be filed under Part 34 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by radiotelegraph carriers in accordance with and subject to the provisions of Part 34 of this chapter.

§ 1.794 Reports and requests to be filed under Part 35 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by wire-telegraph and ocean-cable carriers in accordance with and subject to the provisions of Part 35 of this chapter.

SERVICES AND FACILITIES REPORTS

§ 1.801 Reports regarding telegraph carrier services.

Telegraph carriers shall file descriptions of their services as required by Part 43 of this chapter.

§ 1.802 Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service.

Carriers receiving authority under Part 63 of this chapter shall file quarterly or semiannual reports as required therein.

§ 1.803 Reports relating to reduction in temporary experimental service.

As required in Part 63 of this chapter, carriers shall report reductions in service which had previously been expanded on an experimental basis for a temporary period.

§ 1.804 Reports regarding domestic telegraph speed of service.

The Western Union Telegraph Company shall furnish monthly reports under Subpart B of Part 64 of this chapter in regard to speed of service performance at its offices and agencies as prescribed in § 64.298 and on forms illustrated in that Section, and any additional recurring monthly speed of service reports prepared by the telegraph company, together with copies of related institutions issued by the company to its field offices, in accordance with Part 64 of this chapter.

[38 FR 33475, Dec. 5, 1973]

§ 1.805 Reports relating to service by carriers engaged in public radio service operations.

Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in Part 23 of this chapter.

MISCELLANEOUS REPORTS

§ 1.811 Reports regarding amendments to charters, by-laws and partnership agreements of carriers engaged in domestic public radio services.

Amendments to such documents shall be reported and filed in accordance with Part 21 of this chapter.

§ 1.812 Reports regarding premature destruction of records.

Pursuant to the requirements of Part 42 of this chapter, carriers shall file reports relating to the premature destruction of records.

§ 1.813 Reports of negotiations regarding foreign communication matters.

Pursuant to the requirements of Part 43 of this chapter, carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted.

§ 1.814 Reports regarding free service rendered the Government for national defense.

Carriers rendering free service in connection with the national defense to any agency of the United States Government shall file reports in accordance with Part 2 of this chapter.

§ 1.815 Reports of annual employment.

(a) Each common carrier licensee or permittee with 16 or more full time employees shall file with the Commission, on or before May 31 of each year, on FCC Form 395, an annual employment report.

(b) A copy of every annual employment report filed by the licensee or permittee pursuant to the provisions herein; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated herein by reference are open for public inspection at the offices of the Commission.

[35 FR 12894, Aug. 14, 1970, as amended at 36 FR 3119, Feb. 18, 1971]

Subpart F—Private Radio Services Applications and Proceedings

SOURCE: 28 FR 12454, Nov. 22, 1963, unless otherwise noted.

GENERAL

§ 1.901 Scope.

This subpart is applicable to all services listed in Parts 81-99 of this chapter, except that rules involving common carriers concerning complaints, tariffs, applications and reports required under Title II of the Communications Act are set forth in Subpart E of this part. (For additional information relative to applications, see the rules in this chapter relating to each of the respective services.) In case of any conflict or inconsistency between the rules set forth in the subpart and the rules for the specific services enumerated in this section, the former shall govern.

GENERAL FILING REQUIREMENTS

§ 1.911 Applications required.

(a) Except as provided in paragraph (b) of this section, station licenses as defined in section 3(bb) of the Communications Act; operator licenses or modifications of renewals thereof; assignments of station licenses or any rights thereunder; and consent to transfer control of a corporation holding a license, shall be granted only upon written and signed application.

(b) In cases (1) of an emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) of a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, or (3) of emergency where the Commission finds, in these services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission may grant station licenses, or modifications or renewals thereof, without the filing of a formal application; but no such authorization shall be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedure to be followed for requests submitted under the provisions of this paragraph is the same as for obtaining special temporary authority under § 1.925.

(c) In case of vessels at sea, the Commission may issue by cable, telegraph, or radio a permit for the operation of a station until the vessel returns to a port of the continental United States.

(d) Canadian licensees desiring to operate in the United States under the terms of Articles 2 and 3 of the Convention between the United States and Canada concerning Operation of Certain Radio Equipment or Stations (which entered into force May 15, 1952) shall make application upon FCC Form 410, which shall be filed with the Secretary, Federal Communications Commission, Washington, D.C., 20554. Forms may be obtained from the FCC Secretary, any field office of the Commission, or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

(e) An alien amateur desiring to operate in the United States under provisions of sections 303(l)(2) and 310(a) of the Communications Act of 1934, as amended, and under the terms of a bilateral agreement in force between his country and the United States concluded pursuant to the provisions of Pub. L. 88-313, shall make application on FCC Form 610-A,[1] which shall be filed with the Secretary, Federal Communications Commission, Washington, D.C., 20554. Forms may be obtained from the Secretary, any field office of the Commission and, in some instances, from United States missions abroad.

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[1] Form filed as part of original document.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 30 FR 2706, Mar. 3, 1965; 34 FR 19419, Dec. 9, 1969; 37 FR 15928, Aug. 8, 1972; 40 FR 5365, Feb. 5, 1975]

§ 1.912 Where applications are to be filed.

(a) Applications for any class of amateur operator license requiring examination under Part 97 of this chapter shall be filed in the nearest FCC field office, listed in § 0.121 of this chapter.

(b) [Reserved]

(c) Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both, and applications for modification of such licenses, shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 83.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.121(a) and (b) of this chapter, or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Operations Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this paragraph.

(d) All formal applications for Radio Control (R/C) or Citizens Band (CB) new, modified, or renewal station authorizations shall be submitted to the Commission's office, Gettysburg, Pennsylvania 17326. All formal applications for ship station licenses (FCC Forms 502 and 405-B) shall be submitted to the Commission's office, Box 1040, Gettysburg, Pennsylvania 17325. All formal applications for aircraft station licenses (FCC Forms 404 and 405-B) shall be submitted to the Commission's office, Box 1030, Gettysburg, Pennsyvania 17325. Any special requests or applications for special temporary authority concerning a Radio Control (R/C) or Citizens Band (CB) station and all apllications for General Mobile Radio Service station licenses shall be filed in accordance with paragraph (e) of this section.

(e) All other applications shall be filed with the Commission's offices in Washington as follows:

(1) Applications submitted by mail shall be addressed to:

Federal Communications Commission,
Washington, D.C. 20554.

(2) Hand-carried applications accompanied by fees shall be delivered to:

Fees Section, Office of Executive Director,
1919 M Street NW., Washington, D.C.

(3) Hand-carried applications not accompanied by fees shall be delivered to:

The Secretary's Office, 1919 M Street
NW., Washington, D.C.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 32 FR 20861, Dec. 28, 1967; 36 FR 19439, Oct. 6, 1971; 42 FR 8327, Feb. 9, 1977; 44 FR 39181, July 5, 1979; 44 FR 55381, Sept. 26, 1979]

§ 1.913 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or his absence from the United States, or by applicant's designated vessel master when a temporary permit is requested for that vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[43 FR 27991, June 28, 1978, and 44 FR 3290, Jan. 16, 1979]

§ 1.914 Full disclosures.

Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.915 Shared use of broadcast antenna structure.

Applicants who propose to share the use of an antenna structure used by a standard, FM, or TV broadcast station shall submit the following information as a part of the application:

(a) A scale sketch of the antenna system showing the position of the proposed antenna on the tower structure and its relation to any required obstruction lights and other antennas on the tower; and

(b) A diagram which will clearly indicate the proposed method of mounting the transmission feed lines and how these lines will bridge antenna base insulators if employed by the broadcast station.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

§ 1.916 Repetitious applications.

Where the Commission has, for any reason, denied an application for a new station or for any modification of services or facilities, dismissed such application with prejudice, or revoked the license for a radio station in the Private Radio Services, the Commission will not consider a like or new application involving service of the same kind to substantially the same area by substantially the same applicant, its successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

[28 FR 12454, Nov. 22, 1963, as amended at 44 FR 39181, July 5, 1979]

§ 1.918 Amendment of applications.

(a) Any amendment to an application shall be signed and submitted in the same manner and with the same number of copies as was the original application.

(b) Any application may be amended as a matter of right prior to the grant of such application by filing the appropriate number of copies of the amendments in question duly executed: *Provided, however,* That when an application is mutually exclusive with another application, or when a petition to deny such an application has been filed, an application to amend the application substantially, as defined in § 1.962(c), or in a way that would improve the applicant's position in any comparative hearing, or to change the issues in any hearing, must be filed not later than 30 days after the filing at the Commission of the petition to deny such application or, in the case of mutually exclusive applications, within 30 days of the public notice of the filing of the mutually exclusive application. If a petition to deny has been filed, or the application is mutually exclusive with another application, the amendment shall be served on the petitioner, or the other applicant, as the case may be.

(c) An application to amend an application after it has been designated for hearing will be considered only upon written petition addressed to the hearing examiner and served upon the parties of record, and will be granted only for good cause shown. A petition which requests a substantial change or to change the applicant's position, or the issues, in a hearing, must be accompanied by a signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If consideration has been promised, or received, the statement shall set forth in full detail all the relevant facts with sufficient itemization of the consideration to enable the examiner to determine to what extent, if any, that the consideration represents only the reasonable costs of prosecuting the petitioner's application.

(d) The Commission (or the presiding officer, if the application has been designated for hearing) may, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain, and may require an applicant to submit such documents and written statements of fact as in its judgment may be necessary.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 29 FR 6445, May 16, 1964; 37 FR 13984, July 15, 1972]

APPLICATION FORMS AND PARTICULAR FILING REQUIREMENTS

§ 1.921 Procedure for obtaining a radio station authorization and for commencement of operation.

(a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with the rules for the particular service. A list of all application forms used by Private Radio Services Bureau is contained in § 1.922. Each form contains appropriate instructions concerning the number of required copies, where it may be filed, and the services in which it is intended to be used.

(b) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable, in which case that fact shall be indicated.

(c) In some cases equipment and service tests are required before an authorized station may be placed in regular operation. Reference should be made to the specific service regarding these provisions.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 44 FR 39181, July 5, 1979]

§ 1.922 Forms to be used.

NOTE: FCC Form 407 may be used in applying for station license in Maritime Mobile and Alaska Public Fixed Services until March 2, 1970, when use of Form 503 will be required, 34 FR 19419, Dec. 9, 1969.

FCC Form	*Title*
400	Application for Radio Station Authorization in the Safety and Special Radio Services.
400-10	Instructions for completion of FCC Form 400.
402	Application for Microwave Station Authorization in the Safety and Special Radio Services.
402-10	Instructions for Completion of FCC Form 402.
402-A	Annual Report of Licensees of Microwave and Other Fixed Stations When Such Facilities Are Used Cooperatively With Other Persons.
404	Application for Aircraft Radio Station License.
405-A	Application for Renewal of Radio License (Short Form).
405-B	License Expiration Notice and/or Renewal Application.
406	Application for Ground Station Authorization in the Aviation Services.
410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
410-B	Application for permit to operate a Canadian General Radio Station in the United States.
453-B	Certificate of Special Temporary Authorization for Operation of Radio Station on Board New Aircraft.
480	Application for Civil Air Patrol Radio Station Authorization.
501	Application for Ship Radio Station License.
502	Application for Ship Radiotelephone and/or Radionavigation Station License.

FCC Form	Title
503	Application for Land Radio Station License in the Maritime Mobile or Alaska Public Fixed Service under Parts 81, 83 and 85.
505	Application for Station License in the R/C or CB Service.
506	Application for Ship Radio Station License.
506-A	Temporary Operating Authority, Ship Radio Station License and Restricted Radiotelephone Operator Permit.
525	Application for Disaster Communications Radio Station Construction Permit and License.
555-B	Temporary Permit, Citizens Band (CB) Radio Service, Personal Radio Service.
572	Temporary Permit to Operate a Business Radio Station.
610	Application for amateur radio station and/or operator license.
610-A	Application of Alien Amateur Radio Licensee for Permit to Operate in the United States.
610-B	Application for Amateur Club, Military Recreation, or Radio Amateur Civil Emergency Service Station license.
660-B	Interim Amateur Permit.
702	Application for Consent to Assignment of Radio Station Construction Permit or License (For Stations in Services Other Than Broadcast).
703	Application for Consent to Transfer of Control of Corporation Holding Construction permit or Station License (For Station in Services Other Than Broadcast).
714	Supplement to Application for New or Modified Radio Station Authorization (concerning antenna structure notification to FAA).
820	Application for Exemption from Ship Radio Station Requirements.
845	Amateur Code Credit Certificate.

(Secs. 4, 5, 303, 308, 48 Stat. 1066, 1068, 1082, 1084, as amended; 47 U.S.C. 154, 155, 303, 308)

[28 FR 12454, Nov. 22, 1963]

NOTE: For FR citations affecting § 1.922, see List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.923 Waiver of construction permit requirement.

(a) Effective July 14, 1969, a construction permit shall not be required for any station in the Private Radio Services.

(b) Licensees must apply for modification of station license for any antenna change which would be inconsistent with the terms of the station authorization or for which notification is required to be given to the Federal Aviation Administration by that agency. Part 17 of this chapter described the notification criteria.

[34 FR 9283, June 12, 1969, as amended at 44 FR 39181, July 5, 1979]

§ 1.924 Assignment or transfer of control, voluntary and involuntary.

(a)(1) Radio station licenses are not transferable; however, except for those set forth in paragraph (a)(2) of this section, they may be assigned. Licenses must be assigned whenever there is a change of ownership of an authorized radio station as, for example, if the radio communication equipment is sold with a business. The new owner must apply for assignment to him of the existing authorization in accordance with the rules under which the station is authorized.

(2) Licenses for stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services cannot be assigned. Whenever there is a change of ownership of one of these latter stations, the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

(b)(1) Application for consent to voluntary assignment of a construction permit or license, or for consent to voluntary transfer of control of a corporation holding a construction permit or license, shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(2) The following application forms should be used:

(i) FCC Form 400: for assignment of station authorization in services under Parts 89, 91, and 93 of this chapter, except as provided in paragraphs (b)(2)(ii) and (iv) of this section. Attached thereto shall be asigned letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(ii) FCC Form 402; for assignment of an authorization for fixed stations in the Private Radio Services using frequencies above 952 MHz (so-called microwave stations). Attached thereto shall be a signed letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(iii) FCC Form 406: for assignment of ground station authorizations in the Aviation Services, except as provided in paragraph (b)(2)(ii) of this section.

(iv) [Reserved]

(v) FCC Form 503: for assignment of coast station authorizations in the Maritme Services and Alaska-Public Fixed Stations.

(vi) FCC Form 702: for assignment of licenses or construction permits of all other types.

(vii) FCC Form 703: for consent to transfer control of a corporation holding any type of license or construction permit.

(c)(1) In the event of the death or legal disability of a permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee, the Commission shall be notified in writing promptly of the occurrence of such death or legal disability.

(2) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license, or for involuntary transfer of control of such corporation, to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in paragraph (b) of this section.

(3) In the case of stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

(Sec. 310, 48 Stat. 1086, as amended; 47 U.S.C. 310)

[28 FR 12454, Nov. 22, 1963, as amended at 31 FR 2600, Feb. 10, 1966; 36 FR 19439, Oct. 6, 1971; 36 FR 21679, Nov. 12, 1971; 42 FR 8327, Feb. 9, 1977; 44 FR 31651, June 1, 1979; 44 FR 39181, July 5, 1979; 45 FR 55201, Aug. 19, 1980]

§ 1.925 Application for special temporary authorization, temporary permit, temporary operating authority, or interim amateur permit.

(a) Special temporary authority may be granted to install and operate new equipment, or to operate a licensed station in a manner and to an extent or for service other or beyond that authorized in an existing license, upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons.

(b) Requests for such temporary authorization may be filed in letter form, properly signed; however, in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph, provided written request, properly signed, is submitted within 10 days from the date of such request.

(c) The radio station on a new aircraft with factory installed radio equipment or on an aircraft which has recently undergone the initial installation of radio equipment may be operated for a period of 60 days under special temporary authority evidenced by a copy of a certificate (FCC Form 453-B) executed by the aircraft manufacturer, dealer or distributor, in the case of new aircraft with factory installed radio equipment; or the avionics manufacturer, dealer or distributor who installs the equipment. The original of the certificate must be mailed to the Commission with an application for a new station license on FCC Form 404.

(d) An individual applicant for a Citizens Band (CB) station license in the Personal Radio Services may operate his radio station pending issuance of his CB station authorization by the Commission for a period of 60 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 555-B.

(e) Upon successful completion of a Commission supervised Amateur

Radio Service operator examination, an applicant already licensed in the Amateur Radio Service may operate his amateur radio station pending issuance of his permanent amateur station and operator licenses by the Commission for a period of 90 days or until issuance of the permanent operator and station licenses, whichever comes first, under the authority of a properly executed Interim Amateur Permit (FCC Form 660-B). An Interim Amateur Permit conveys all operating privileges of the licensee's new operator license, but may be set aside by the Commission within the 90 day term if it appears that the permanent operator and station licenses cannot be granted routinely.

(f) An applicant for a Ship Radio station license may operate his radio station pending issuance of his ship station authorization by the Commission for a period of 60 days, under a temporary operating authority, evidenced by a properly executed certification made on FCC Form 506-A.

(g) An applicant for a Business radio station license utilizing an already authorized facility may operate the radio station for a period of 180 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 572, after the mailing of a formal application for station license together with evidence of frequency coordination, if required, to the Commission. The temporary operation of stations, other than mobile stations, within the Canadian coordination zone will be limited to stations with a maximum of 5 Watts effective radiated power and a maximum antenna height of 6.1 meters above average terrain.

[28 FR 12454, Nov. 22, 1963, as amended at 42 FR 3167, Jan. 17, 1977; 42 FR 8327, Feb. 9, 1977; 42 FR 36459; July 15, 1977; 44 FR 3290, Jan. 16, 1979; 45 FR 59883, Sept. 11, 1980]

§ 1.926 Application for renewal of license.

(a) Application for renewal of station license shall be submitted on FCC Form 405-A (except as noted in paragraph (b) of this section).

(b)(1) Applications for renewal of an amateur operator license (with the exception of an amateur club, military recreation, or Radio Amateur Civil Emergency Service station licenses), or a combined amateur operator/station license shall be filed on FCC Form 610.

(2) Applications for renewal of aircraft radio station licenses shall be submitted on FCC Form 405-B.

(3) [Reserved]

(4) Applications for renewal of an amateur club, military recreation, or Radio Amateur Civil Emergency Service station license shall be filed on FCC Form 610-B.

(5)-(8) [Reserved]

(9) Applications for renewal of ship radio station licenses shall be submitted on FCC Form 405-B.

(10) Application for renewal of Radio Control (R/C) or Citizens Band (CB) station license in the Personal Radio Services shall be submitted on FCC Form 505.

(c) All applications for renewal of license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Secs. 4, 5, 303, 307, 308, 48 Stat., as amended, 1066, 1068, 1082, 1083, 1084; 47 U.S.C. 154, 155, 303, 307, 308)

[28 FR 12454, Nov. 22, 1963, as amended at 28 FR 14503, Dec. 31, 1963; 29 FR 3229, Mar. 11, 1964; 30 FR 9315, July 27, 1965; 31 FR 6113, Apr. 21, 1966; 41 FR 44042, Oct. 6, 1976; 42 FR 8327, Feb. 9, 1977; 44 FR 3290, Jan 16, 1979; 45 FR 55201, Aug. 19, 1980; 46 FR 22593, Apr. 20, 1981]

§ 1.927 Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.

(a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 362(b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 12 and 13, Chapter 1 of the Safety Convention, should be submitted on FCC Form 801 entitled "Application for Ship Radio Inspection." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter).

(b) Applications for periodical survey as required by Article II of the Great Lakes Agreement, and certification prescribed by Articles 12 and 13 thereof, should be submitted on FCC Form 809, "Application for Periodical Survey (Great Lakes Agreement)." This form should be forwarded to the Engineer in Charge of the field office nearest the desired place of survey (see § 0.121 of this chapter).

(c) Applications for inspection of ship radio equipment and apparatus, for the purposes of Part II of Title III of the Communications Act of 1934, as amended, or the Great Lakes Agreement, on a Sunday or national holiday, or during other than the established working hours on any other day, should be submitted on FCC Form 808 entitled "Application for and Certificate of Overtime Service Involving Inspection of Ship Radio Equipment." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter).

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act pursuant to section 385 thereof should be submitted on FCC Form 812 entitled "Application for Periodical Inspection (Communications Act, Title III, Part III)." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter).

[40 FR 17255, Apr. 18, 1975]

§ 1.928 Procedure with respect to applications for ship radio inspection or periodical survey.

After the following applications are accepted for filing, the Engineer in Charge of the field office in which the application is submitted makes the necessary examination and issues the appropriate certification:

(a) Application for ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362(b) of the Communications Act;

(b) Application for a Safety Convention certificate in accordance with the terms of Regulations 12 and 13, Chapter 1 of the Safety Convention;

(c) Application for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof;

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act, pursuant to section 385 thereof.

(Sec. 10(b), 50 Stat. 196, as amended, 47 U.S.C. 360: and sec. 1, 70 Stat. 1047, 47 U.S.C. 385)

[28 FR 12454, Nov. 22, 1963, as amended at 30 FR 6779, May 19, 1965; 40 FR 17256, Apr. 18, 1975]

§ 1.929 Application for exemption from compulsory ship radio requirements.

Applications for exemption, filed under the provisions of sections 352 (b) or (c) and 383 of the Communications Act; Regulation 5, Chapter IV of the Safety Convention; and Article 6 of the Great Lakes Radio Agreement, shall be submitted on FCC Form 820 entitled "Application for Exemption from Ship Radio Station Requirements".

(Sec. 10(b), 50 Stat. 192, as amended, 47 U.S.C. 352; and sec. 170 Stat. 1047, 47 U.S.C. 383)

[30 FR 6779, May 19, 1965]

§ 1.930 Application for temporary waiver of annual inspection.

Informal application for temporary waiver of the annual inspection required under section 362(b) of the Communications Act, as provided in that section, shall be filed by the vessel owner, the vessel's operating agency, the ship station licensee, or the master of the vessel with the Commission's Engineer in Charge of the radio district office nearest the port where the ship is located.

(Sec. 10(b), 50 Stat. 196, as amended; 47 U.S.C. 360)

§ 1.931 Application for extension of construction permit.

(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Application for extension of time within which to construct a station in the Public Safety, Industrial, and Land Transportation Radio Services shall be submitted on FCC Form 400 or on FCC Form 402, as appropriate; in the Aviation Services, on FCC Form 406, except Civil Air Patrol applications which shall use FCC Form 480; in the case of General Mobile Radio Service stations in the Personal Radio Services, on FCC Form 400; and in all other services, on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

[28 FR 12454, Nov. 22, 1963, as amended at 42 FR 8327, Feb. 9, 1977]

§ 1.932 Time in which station must be placed in operation.

(a) For operational-fixed stations authorized to operate on frequencies above 952 MHz, the authorized station must be placed in operation within twelve months from the date of grant or the authorization shall be invalid and must be returned to the Commission for cancellation. For all other stations, the authorized station must be placed in operation within eight months from the date of grant or the authorization shall be invalid and must be returned to the Commission for cancellation.

(b) The licensee of a new public coast station, a new aeronautical advisory station or a new radionavigation land station in the Aviation Services except a radionavigation land test station (MTF or OTF) shall notify the Commission in writing when the station is placed in operation. If the licensee fails to notify this Commission within eight months form the date of grant that the station has been placed in operation, it shall be conclusively presumed the station is not in operation and, thus, the license becomes invalid by operation of paragraph (a) of this section, unless the licensee shows good cause why notification was not made.

[43 FR 60276, Dec. 27, 1978]

§ 1.933 Installation or removal of apparatus.

(a) In the Public Safety, Industrial, and Land Transportation Radio Services, replacement of transmitting equipment may be made without prior authorization: *Provided*, The replacement transmitter appears in the Commission's "Radio Equipment List, Part C" as designated for use in the Public Safety, Industrial, and Land Transportation Radio Services, and the substitute equipment employs the same type of emission and does not exceed the power limitation as set forth in the station authorization.

(b) In the Personal Radio Services, replacement of transmitting equipment may be made without prior authorization: *Provided*, The replacement transmitter appears in the Commission's "Radio Equipment List," as designated for use in the Personal Radio Services or, in the case of an R/C station [or a CB station until November 23, 1978 if first licensed prior to November 22, 1974], using crystal control, the substitute equipment is crystal controlled: *Provided, further*, That the substitute equipment employs the same type of eission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

[28 FR 12454, Nov. 22, 1963, as amended at 42 FR 8327, Feb. 9, 1977]

§ 1.934 Procedure with respect to amateur radio operator license.

After an application for an amateur radio operator license is accepted and an examination conducted by the Commission in accordance with Part 97 of this Chapter, the examination is graded by the office supervising the examination. If the applicant is successful, and if the applicant already holds a license in the Amateur Radio Service, the supervising office issues the applicant an Interim Amateur Permit conveying all operating privileges of the applicant's new operator license. The results of the examination are forwarded to the Commission's Gettysburg, Pennsylvania facility for issuance of a license.

[42 FR 3167, Jan. 17, 1977]

APPLICATION PROCESSING PROCEDURES

§ 1.951 How applications are distributed.

(a) Amateur and Citizens Division: Amateur, Disaster, RACES, and Personal.

(b) Aviation and Marine Division:

(1) Aviation Radio Services applications: Air Carrier Aircraft, Private Aircraft, Airdrome Control, Aeronautical En Route, Aeronautical Fixed, Operational Fixed (Aviation), Aeronautical Utility Mobile, Radionavigation (Aviation), Flight Test, Flying School, Aeronautical Public Service, Civil Air Patrol, Aeronautical Advisory, Aeronautical Metropolitan, Aeronautical Search and Rescue Mobile, and Aeronautical Multicom.

(2) Marine Radio Services applications: Public Coast Stations, Limited Coast Stations, Stations on Land in the Maritime Radiodetermination Service, Fixed Stations associated with the Maritime Mobile Service, Stations operated in the Land Mobile Service for maritime purposes, Stations on Shipboard in the Maritime Services, and Public Fixed Stations in Alaska.

(c) Industrial and Public Safety Facilities Division:

(1) Industrial Radio Services applications: Business, Forest Products, Industrial Radiolocation, Manufacturers, Motion Picture, Petroleum, Power, Relay Press, Special Industrial, and Telephone Maintenance.

(2) Land Transportation Radio Services applications: Motor Carrier, Railroad, Taxicab, and Automobile Emergency.

(3) Public Safety Radio Services applications: Fire, Forestry-Conservation, Highway Maintenance, Local Government, Police, Special Emergency, and State Guard.

(Secs. 4, 5, 48 Stat. 1066, 1068, as amended; 47 U.S.C. 154, 155)

[31 FR 6832, May 7, 1966, as amended at 42 FR 8327, Feb. 9, 1977; 44 FR 69302, Dec. 3, 1979]

§ 1.952 How file numbers are assigned.

(a) File numbers are assigned to certain categories of applications by the various Divisions of the Private Radio Bureau. Applications for fixed stations using frequencies above 952 MHz are further designated by the addition of a letter X at the end of the file number.

(b) File number symbols and service or class of station designators:

A—D—S

AMATEUR AND DISASTER SERVICES

Y—Amateur
D—Disaster
R—RACES

AVIATION SERVICES

A—Aeronautical and fixed group.
AM—Aircraft group.
AA—Aviation auxiliary group.
AR—Aviation radionavigation land.
AC—Civil Air Patrol.

PERSONAL RADIO SERVICES

CA—General Mobile Radio Service.
CC—Radio Control (R/C) Service.
CD—Citizens Band (CB) Radio Service.

INDUSTRIES SERVICES

IB—Business.
IF—Forest products.
IR—Industrial radiolocation.
IX—Manufacturers.
IM—Motion picture.
IP—Petroleum.
IW—Power.
IY—Relay press.
IS—Special industrial.
IT—Telephone maintenance.

LAND TRANSPORTATION SERVICES

LA—Automobile emergency.
LI—Interurban passenger.
LJ—Interurban property.

LR—Railroad.
LX—Taxicab.
LU—Urban passenger.
LV—Urban property.

MARINE SERVICES

MK—Alaskan group.
M—Coastal group.
MA—Marine auxiliary group.
MR—Marine radiodetermination land.

PUBLIC SAFETY SERVICES

PF—Fire.
PO—Forestry conservation.
PH—Highway maintenance.
PL—Local government.
PP—Police.
PS—Special emergency.
PG—State Guard.

(c) Application or authorization designator symbols:

P—Construction Permit.
MP—Modified CP.
MP/L—Modified CP and License.
MP/ML—Modified CP and Modified License.
AP—Assignment of Permit.
L—License.
ML—Modified License.
AL—Assignment of License.
P/L—Combination CP and License.
R—Renewed License.
TC—Transfer of Control.

[28 FR 12454, Nov. 22, 1963, as amended at 36 FR 19439, Oct. 6, 1971; 42 FR 8328, Feb. 9, 1977; 43 FR 7323, Feb. 22, 1978; 44 FR 39181, July 5, 1979; 44 FR 45396, Aug. 2, 1979]

§ 1.953 How applications are processed.

(a) Applications are processed in sequence according to date of filing. Applications which are in accordance with the provisions of this chapter and established policies of the Commission may be processed to completion in accordance with the applicable delegations of authority as set forth in Part 0 of this chapter;

(b) Applications are presented to the Commission in cases where:

(1) Applicant requests reconsideration of action taken by the staff under such delegations of authority;

(2) and (3) [Reserved]

(4) The staff is not authorized to dismiss an application consistent with the provisions of this chapter and is unable to reach the positive public interest findings prescribed by § 1.971(a); or

(5) A petition has been filed to deny an application of the categories listed in § 1.962 except where the application has been designated for hearing pursuant to delegated authority.

[28 FR 12454, Nov. 22, 1963, as amended at 34 FR 19419, Dec. 9, 1969; 36 FR 3525, Feb. 26, 1971; 43 FR 10343, Mar. 13, 1978]

§ 1.955 Frequency coordination, Canada.

(a) As a result of mutual agreements, the Commission has, since May 1950 had an arrangement with the Canadian Department of Transport for the exchange of frequency assignment information and engineering comments on proposed assignments along the Canada-United States borders in certain bands above 30 MHz. Except as provided in paragraph (b) of this section, this arrangement involves assignments in the following frequency bands:

MHz
30.56-32.00
33.00-34.00
35.00-36.00
37.00-38.00
39.00-40.00
42.00-46.60
47.00-49.60
72.00-73.00
75.40-76.00
150.80-174.00
450.00-464.725

MHz
465.275-470.00
942.00-960.00
1850.0-2200.0
2450.0-2690.0
3700.0-4200.0
5925.0-7125.0

GHz
10.55-10.68
10.70-13.25

(b) The following frequencies are not involved in this arrangement because of the nature of the services:

MHz: 156.3, 156.35, 156.4, 156.45, 156.5, 156.55, 156.6, 156.65, 156.7, 156.8, 156.9, 156.95, 157.0 and 161.6, 157.05, 157.1, 157.15, 157.20, 157.25, 157.30, 157.35, 157.40.

(c) Assignments proposed in accordance with the railroad industry radio frequency allotment plan along the United States-Canada borders utilized by the Federal Communications Commission and the Department of Transport, respectively, may be excepted from this arrangement at the discretion of the referring agency.

(d) Assignments proposed in any radio service in frequency bands below 470 MHz appropriate to this arrangement, other than those for stations in the Domestic Public (land mobile or fixed) category, may be excepted from this arrangement at the discretion of the referring agency if a base station assignment has been made previously under the terms of this arrangement or prior to its adoption in the same radio service and on the same frequency and in the local area, and provided the basic characteristics of the additional station are sufficiently similar technically to the original assignment to preclude harmful interference to existing stations across the border.

(e) For bands below 470 MHz, the areas which are involved lie between Lines A and B and between Lines C and D, which are described as follows:

Line A—Begins at Aberdeen, Wash., running by great circle arc to the intersection of 48° N., 120° W., thence along parallel 48° N., to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N., 85° W., thence southward along meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N., to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southern-most point of Searsport, Maine, at which point it terminates; and

Line B—Begins at Tofino, B.C., running by great circle arc to the intersection of 50° N., 125° W., thence along parallel 50° N., to the intersection of 90° W., thence by great circle arc to the intersection of 45° N., 79°30′ W., thence by great circle arc through the northernmost point of Drummondville, Quebec (lat: 45°52′ N., long: 72°30′ W.), thence by great circle arc to 48°30′ N., 70° W., thence by great circle arc through the northernmost point of Campbellton, N.B., thence by great circle arc through the northernmost point of Liverpool, N.S., at which point it terminates.

Line C—Begins at the intersection of 70° N., 144° W., thence by great circle arc to the intersection of 60° N., 143° W., thence by great circle arc so as to include all of the Alaskan Panhandle; and

Line D—Begins at the intersection of 70° N., 138° W., thence by great circle arc to the intersection of 61°20′ N., 139° W., (Burwash Landing), thence by great circle arc to the intersection of 60°45′ N., 135° W., thence by great circle arc to the intersection of 56° N., 128° W., thence south along 128° meridian to Lat. 55° N., thence by great circle arc to the intersection of 54° N., 130° W., thence by great circle arc to Port Clements, thence to the Pacific Ocean where it ends.

(f) For all stations using bands between 470 MHz and 1000 MHz; and for any station of a terrestrial service using a band above 1000 MHz, the areas which are involved are as follows:

(1) For a station the antenna of which looks within the 200° sector toward the Canada-United States borders, that area in each country within 35 miles of the borders;

(2) For a station the antenna of which looks within the 160° sector away from the Canada-United States borders, that area in each country within 5 miles of the borders; and

(3) The area in either country within coordination distance as described in Recommendation 1A of the Final Acts of the EARC, Geneva, 1963 of a receiving earth station in the other country which uses the same band.

(g) For bands above 1000, coordination of an earth station is required if any portion of the Canada-United States borders lies within the coordination distance as described in Recommendation 1A of the Final Acts of the EARC, Geneva, 1963 of the earth station.

[35 FR 6752, Apr. 29, 1970, as amended at 36 FR 19440, Oct. 6, 1971]

§ 1.956 Rented communications equipment.

(a) Applications for authorization in the Private Radio Services which indicate that the equipment therefor will be obtained pursuant to lease-maintenance arrangements with the American Telephone and Telegraph Company or its subsidiaries will not be granted.

(b) For the purposes of this section, subsidiaries of A.T. & T. include the following:

Bell Telephone Co. of Nevada
Citizen Telephone Co., Inc.
Illinois Bell Telephone Co.
Indiana Bell Telephone Co.
Michigan Bell Telephone Co.
New England Telephone and Telegraph Co.
New Jersey Bell Telephone Co.
New York Telephone Co.
Northwestern Bell Telephone Co.
Southern Bell Telephone and Telegraph Co.
Southwestern Bell Telephone Co.
The Bell Telephone Co. of Pennsylvania
The Chesapeake and Potomac Telephone Co.
The Chesapeake and Potomac Telephone Co. of Maryland

The Chesapeake and Potomac Telephone Co. of Virginia
The Chesapeake and Potomac Telephone Co. of West Virginia
The Cincinnati and Suburban Bell Telephone Co.
The Diamond State Telephone Co.
The Mountain States Telephone and Telegraph Co.
The Ohio Bell Telephone Co.
The Pacific Telephone and Telegraph Co.
The Southern New England Telephone Co.
Wisconsin Telephone Co.

NOTE: Pending final action in Docket No. 12722, the terms of this section are not intended to encompass in a negative or affirmative manner, applications involving telephone company lease-maintenance arrangements which have been found or may be found, by any jurisdiction, to be "the furnishing of common carrier communications services" and/or if the charges therefor are or may become "subject to public regulation." See Pars. 24 and 25, First Report and Order, Docket No. 12722.

[28 FR 12454, Nov. 22, 1963, as amended at 44 FR 39181, July 5, 1979]

§ 1.958 Defective applications.

(a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant.

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter or other requirements of the Commission will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 40 FR 5336, Feb. 5, 1975]

§ 1.959 Resubmitted applications.

Any application which has been returned to the applicant for correction will be processed in original order of receipt when resubmitted if it is received within 30 days (45 days outside continental United States) from the date on which it was returned to the applicant. If the application is not resubmitted within the prescribed time, it will be treated as a new application and considered at the time other applications received on the same date are considered.

§ 1.961 Dismissal of applications.

(a) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be with prejudice after an application has been designated for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by a written and signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

§ 1.962 Public notice of acceptance for filing; petitions to deny applications of specified categories.

(a) Except as qualified in paragraph (b) of this section, the provisions of this section shall apply to all applications for authorizations, and substantial amendments thereof, for the categories of stations and services listed in this paragraph which are filed with the Commission on or after December 12, 1960, and to such applications which were filed prior to December 12, 1960, but are amended substantially on or after that date.

(1) Fixed point-to-point stations using frequencies above 890 MHz (exclusive of control, relay, and repeater stations used as integral parts of mobile radio systems).

(2) Industrial radiopositioning stations for which frequencies are assigned on an exclusive basis.

(3) Aeronautical enroute stations.

(4) Aeronautical advisory stations.

(5) Airdrome control stations.

(6) Aeronautical fixed stations.

(7) Public coast stations, excluding those located in Alaska which will not render service for hire.

(b) The provisions of this section are not applicable to applications for the type of authorizations listed in this paragraph.

(1) A minor change in the facilities of an authorized station or a minor amendment of an application on file.

(2) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act or to a voluntary assignment or transfer thereunder which does not involve a substantial change in ownership or control.

(3) A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such licensee.

(4) Extension of time to complete construction of authorized facilities.

(5) A special temporary authorization not to exceed 30 days where the applicant does not contemplate the filing of an application for regular operation, or not to exceed 60 days pending or after the filing of an application for regular operation.

(6) An authorization under any of the proviso clauses of section 308(a) of the Communications Act.

(c) For the purposes of this section, a substantial amendment of an application on file and applications for a substantial change in the facilities of an authorized station shall be:

(1) Any addition or change in frequency (except deletion of a frequency);

(2) Any change in antenna azimuth;

(3) Any change in antenna beam width;

(4) Any change in antenna location greater than 5 seconds;

(5) Any change in antenna location of less than 5 seconds but also involving a requirement for special aeronautical study;

(6) Any change in emission;

(7) Any increase in antenna height;

(8) Any increase in authorized power in excess of a 2 to 1 ratio;

(9) Any increase in emission bandwidth.

(d) All amendments of an application on file and all changes requested in the facilities of an authorized station other than those amendments and modifications listed in paragraph (c) of this section shall be considered minor.

(e) The Commission will issue at regular intervals a "Public Notice" listing all applications subject to this section which have been accepted for filing, or have been returned to an applicant for correction, within the 30-day public notice period. Such "Public Notice" will relist any application which has been amended substantially since its previous listing, or which has been resubmitted to the Commission, after public notice of the return of the application to an applicant, pursuant to § 1.959. For the purposes of this section, "accepted for filing" means that an application has been received at the Commission with the required filing fee, if any. Such acceptance for filing shall not preclude the subsequent dismissal of an application, pursuant to the provisions of this chapter, as being defective.

(f) No application subject to the provisions of this section, as originally filed or substantially amended, will be granted by the Commission prior to the thirty-first day following the issuance of public notice of the acceptance for filing of such application or of any substantial amendment thereof: *Provided, however,* That the Commission, notwithstanding the requirements of this paragraph, may, if the grant of such application is otherwise authorized by law and if it finds that there are extraordinary circumstances requiring emergency operations in the public interest and that delay in institution of such emergency operations would seriously prejudice the public interest, grant a temporary authorization, accompanied by a statement of its reasons therefor, to permit such emergency operation for a period not exceeding 90 days, and upon making like findings may extend such temporary authorization for one additional period not to exceed 90 days.

(g) Any party in interest may file with the Commission a petition to deny any application, whether as filed originally or as subsequently amended by a substantial amendment as defined in paragraph (c) of this section, subject to the provisions of this section, no later than 30 days after the date of the public notice listing the application, or substantial amendment to the application, as having been accepted for filing. A petitioner shall serve a copy of such petition on the applicant. A petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof.

(h) The applicant may file an opposition to any petition to deny and the petitioner may file a reply thereto (see § 1.45) in which allegations of fact or denials thereof, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof. The applicant shall serve a copy of his opposition on the petitioner, and the petitioner shall serve a copy of his reply on the applicant.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

[28 FR 12454, Nov. 22, 1963, as amended at 29 FR 7822, June 19, 1964; 30 FR 4479, Apr. 7, 1965; 36 FR 19440, Oct. 6, 1971; 37 FR 13984, July 15, 1972; 38 FR 3983, Feb. 9, 1973]

ACTION ON APPLICATIONS

AUTHORITY: Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309.

§ 1.971 Grants without a hearing.

(a) The Commission will grant without a hearing an application for a station authorization if it is proper upon its face and if the Commission finds from an examination of such application and supporting data, any pleading filed, or other matters which it may officially notice, that:

(1) There are no substantial and material questions of fact;

(2) The applicant is legally, technically, financially, and otherwise qualified;

(3) A grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit;

(4) A grant of the application would not preclude the grant of any mutually exclusive application; and

(5) A grant of the application would serve the public interest, convenience, and necessity.

(b) If a petition to deny an application has been filed pursuant to § 1.962 and the Commission grants such application pursuant to paragraph (a) of this section, the Commission will deny the petition and issue a concise statement of the reason for such denial and disposing of all substantial issues raised by the petition.

§ 1.973 Designation for hearing.

(a) If the Commission is unable to make the findings prescribed by § 1.971(a) with reference to an application filed prior to December 12, 1960, and not amended substantially on or after that date, the Commission, by letter, will notify the applicant and other known parties in interest of the grounds and reasons for its inability to make such findings and of all the objections made to such application. Following such notice, the applicant will be given an opportunity to reply. If the Commission after considering such reply is still unable to make the findings prescribed by § 1.971(a), it will formally designate the application for hearing on the grounds or reasons then obtaining and shall notify the applicant and all other known parties in interest of such action.

(b) If the Commission is unable to make the findings prescribed in § 1.971(a) with reference to any application filed on or after December 12, 1960, or any application filed prior to December 12, 1960, but amended substantially on or after that date, it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify forthwith the applicant and all other known parties in interest of such action.

(c) Orders designating applications for hearing will specify with particularity the matters and things in issue and will not include issues or requirements phrased generally.

(d) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis of their interest not more than 30 days after publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto.

(e) Any hearing subsequently held upon such applications shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

[28 FR 12454, Nov. 22, 1963, as amended at 30 FR 3223, Mar. 9, 1965]

REPORTS TO BE FILED WITH THE COMMISSION

§ 1.981 Reports, annual and semiannual.

(a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

(1) The final objective.

(2) Results of operation to date.

(3) Analysis of the results obtained.

(4) Copies of any published reports.

(5) Need for continuation of the program.

(6) Number of hours of operation on each frequency.

(c) Where required by the particular service rules, licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit annually an audited financial statement reflecting the nonprofit cost-sharing nature of the arrangement to the Commission's offices in Washington, D.C., no later than three months after the close of the licensee's fiscal year.

Subpart G—Schedule of Fees Filed With the Commission

NOTE: Sections 1.1101—1.1120 were suspended at 41 FR 56647, Dec. 29, 1976. See 42 FR 3168, Jan. 17, 1977, for suspension clarification.

AUTHORITY: Sec. 501, 65 Stat. 290; (31 U.S.C. 483a).

SOURCE: 40 FR 16396, Apr. 11, 1975, unless otherwise noted.

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this subpart is contained in Title V of the Independent

Offices Appropriation Act of 1952 (31 U.S.C. 483a) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.1102 Payment of fees.

(a) *Filing fees.* Each application or other filing filed on or after August 1, 1970, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the filing fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, shall be returned to the applicant without processing. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, there should be attached to the remittance an accounting sheet or notice stating what fees are covered by the check or money order.

(b) *Grant fees.* The applicant shall observe the instruction contained in the notice of grant concerning payment of grant fees. Grant fees shall be accompanied by a transmittal advice identifying the purpose of the check. The duplicate copy of the Commission's notice of grant, which will specify the amount of the fee, will suffice.

(c) All remittances should be accompanied by a letter, application, rate card, grant fee notice or other document to properly identify the purpose of the fee.

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services the grant fee in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization or approval becoming null, void and ineffective after that date.

NOTE 1: Applications for construction permits for a new broadcast station or a major change in an existing station that were on file prior to July 1, 1970, are exempt from the payment of grant fees specified in Section 1.1111(a)(1) of this chapter.

(e) *Broadcast Annual License fee.* The annual license fee prescribed for broadcast stations must be submitted each year on or before the anniversary date of the expiration date of the station's license. The licensee shall submit the amount of the annual fee together with the station's rate card for the preceding June 1, on which the annual fee is based. (See § 1.1111(a)(6).) Such fee shall be for the twelve-month period immediately preceding the anniversary date on which the fee is payable.

(1) A new station first becomes liable for the annual license fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of grant of program test authority until the next payment (anniversary) date. (Example: If a station is in operation for seven full months prior to the next payment date, the annual license fee is seven-twelfths of the annual rate.)

(2) Each broadcast station shall pay an annual license fee to the Commission for the period April 1, 1973-February 28, 1975. The fee applicable to the period after December 31, 1974 shall be the fee prescribed in § 1.111(a)(6) of this chapter. The fee applicable to the period April 1, 1973-December 31, 1974 is as follows:

(i) For AM and FM stations: The annual license fee will be a payment equal to 6.7 times the station's highest single "one minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.00.

(ii) For television broadcast stations: The annual license fee will be a payment equal to 3.4 times the station's highest "30-second" spot announcement rate, but in no event shall the annual fee be less than $100.00.

(3) Fees applicable to any twelve-month period ending on or before February 1, 1975 must be submitted on or before August 1, 1975. Fees applicable to any twleve-month period ending after February 1, 1975 must be submitted on or before the anniversary date of the expiration date of the station's license as provided above.

(4) For broadcast stations submitting a fee on August 1, 1975 applicable to the period April 1, 1973-April 1, 1974 or June 1, 1973-June 1, 1974, the rate card on which the fee will be based is that of June 1, 1973. For broadcast stations submitting a fee on August 1, 1975 applicable to the period August 1, 1973-August 1, 1974, October 1, 1973-October 1, 1974, December 1, 1973-December 1, 1974 or February 1, 1974-February 1, 1975, the rate card on which the fee will be based is that of June 1, 1974.

(5) For broadcast stations paying an annual license fee applicable in part to a portion of calendar year 1974 and in part to a portion of calendar year 1975, the broadcast annual license fee will be prorated between the annual fee prescribed in paragraph (e)(2) of this section and the annual fee prescribed in § 1.1111(a)(6) of this chapter. A station's annual license fee will be computed by taking the number of months from the anniversary date to December 31, 1974, divided by 12, times the full year annual fee which is required by paragraph (e)(2) of this section, and adding to that the fee computed by taking the number of months from January 1, 1975 to the anniversary date, divided by 12 times the full year annual fee which is required by § 1.1111(a)(6) of this chapter.

NOTE 1: Example: AM station X has a license expiration date on October 1. Station X's highest single "one-minute" spot announcement rate is $10 as of June 1, 1974 and $20 as of June 1, 1975. Station X is required to pay an annual fee for the period October 1, 1973-October 1, 1974 on August 1 1975 and an annual fee for the period October 1, 1974-October 1, 1975 on October 1, 1975. The fee due on August 1, 1975 will be $67.00. This is calculated by multiplying 6.7, the fee multiplier specified in paragraph (e)(2) of § 1.1102, times $10.00 the highest single "one minute" spot announcement rate as it appears on the applicable rate card, that of June 1, 1974. The fee due on October 1, 1975 is $161.00. To calculate this fee it is necessary to prorate the fee based on the portion of the twelve-month fee payment period during calendar year 1974 and that during calendar year 1975. The number of months from October 1, 1974 to December 31, 1974 is 3. The first step in calculating the fee is to multiply $\frac{3}{12} \times 6.7 \times \$20$, the portion of calendar year 1974 covered by the fee $\frac{3}{12}$ times the applicable fee multiplier (6.7), times the spot rate ($20 here as the June 1, 1975 rate card is used). This portion of the fee is $33.50. Next it is necessary to multiply $\frac{9}{12} \times 8.5 \times \$20$, the portion of calendar year 1975 covered by the fee $\frac{9}{12}$ times the fee multiplier from § 1.1111(a)(6) (8.5), times the spot rate. This portion of the fee is $127.50. The annual fee equals the sum of the two amounts $33.50 and $127.50 or $161.00.

(f) *Cable Television Annual Authorization fee.* The annual fee prescribed in § 1.1116(b) of this chapter for cable television systems must be submitted by April 1 of each year for the preceding calendar year. The fee will be based on the average number of subscribers as set out in § 1.1116(b).

(1) A new cable television system becomes liable for the annual authorization fee as of the date it begins to charge for service to 50 subscribers or more. In the first year of operation of the system, the fee will be computed based on the average of the number of subscribers being served on the last day of each calendar quarter of operation up to the end of the calendar year. (Example: If a cable system is in operation on the last day of three quarters prior to the end of the calendar year, the average of those three last-day figures is to be used in computing the fee required.) The fee will cover the number of full months of operation until the end of the calendar year. (Example: If a cable system is in operation for seven full months prior to the end of the calendar year, the fee is seven-twelfths of the annual rate.)

(2) Each CATV system shall pay an annual authorization fee to the Commission for calendar years 1973 and 1974 to be submitted on or before August 1, 1975. The fee for each system shall be equal to the number of subscribers times 6 cents. The number

of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter.

(g) Applications and attached fees should be addressed to Federal Communications Commission, Washington, D.C. 20554, or to the appropriate FCC field office and should not be marked for the attention of any individual bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(h) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(i) Except as provided in §§ 1.1103 and 1.1104, all application filing fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in a major change in the application; the resubmission will then be treated as a new application requiring a new filing fee.

[40 FR 16396, Apr. 11, 1975, as amended at 40 FR 8187, Feb. 26, 1975; 40 FR 33218, Aug. 7, 1975; 41 FR 15699, Apr. 14, 1976]

§ 1.1103 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Upon return of an application for renewal of an operator license which is received after expiration of the grace period.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(1) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(6) When applications (accompanied by fees) are filed where not actually required by Safety and Special Radio Services rules (e.g. change of address, pro forma change of corporate name, etc.).

(7) When construction permit holders and licensees make nonsubstantive correction in license grants within a period of 60 days from the grant.

(b) Payment in excess of an applicable fee will be refunded only if the overpayment exceeds $3.

§ 1.1104 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal Government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) A receiver model certificated prior to August 1, 1970, and which will continue to be distributed after August 1, 1970, need not be recertificated and no filing or grant fee shall be required for continued distribution provided it will continue to be distributed under the same trade name and model number and with identical circuitry.

§ 1.1105 General rule (STA and waiver).

Except as otherwise provided no filing fee is required for any application or request for special temporary authority (STA) or waiver of brief duration or minor character in any service or for the grant of either an STA or a waiver of brief duration or minor character. Upon the grant of an application or request for either an STA or a waiver of an important character, the applicant will be notified to remit a fee in the following amount for the respective services:

Broadcast services	$25
Common carrier services	25
Safety and special radio	5
Cable television services	25

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

(1) Construction Permits: Application for construction permit for new station or for major changes in existing station:

Filing	fee	Grant fee
VHF—top 50 markets [1]	$10,000	$67,500
UHF—top 50 markets	2,500	22,500
VHF—next 50 markets	4,000	27,000
UHF—next 50 markets	1,000	9,000
VHF—balance	2,000	13,500
UHF—balance	500	4,500
FM—class A	200	1,350
FM—class B and C	400	2,700
AM—day—50kW	1,000	6,750
AM—day—25kW	800	5,400
AM—day—10kW	600	4,050
AM—day—5kW	400	2,700
AM—day—2.5kW	300	2,025
AM—day—1kW	200	1,350
AM—day—500W	100	675
AM—day—250W	50	340
AM—unlimited 50kW	2,000	13,500
AM—unlimited 25 kW	1,600	10,800
AM—unlimited 10kW	1,200	8,100
AM—unlimited 5kW	800	5,400
AM—unlimited—2.5kW	600	4,050
AM—unlimited—1kW	400	2,700
AM—unlimited 500 W	200	1,350
AM—unlimited 250 W	100	675
AM—class IV, full time 1 kW day; 250 W night	200	1,350

[1] The market size shall be determined by the ranking of the American Research Bureau, on the basis of prime time household (average one-quarter hour audience during prime time, all home stations).

(2) *Other Applications.* The following fees shall accompany each application:

	AM	FM	TV	Auxiliary [1]	
Application for construction permit to replace expired permit, FCC Form 321 [2]	$250	$250	$250		$50
Application for modification other than major change, FCC Form 301	([3])	([3])	([3])	([3])	
(A) Application to change antenna/transmitter site; or to increase antenna height; or to change antenna pattern.[4]					
(B) All other FCC Form 301 applications	100	100	100		
Application for change of call sign for broadcast station	200	200	200		
Application for authorization in Auxiliary Broadcast Services, FCC Form 313:					
(A) Application for modification of construction permit or license in Auxiliary Broadcast Services					50
(B) Application for new remote pickup mobile station					100
(C) Application for new station construction permit for intercity relay or for studio transmitter link or for remote pickup base station					250
Application for construction permit or license of auxiliary or alternate main transmitter	50	50	50	50	
Application for extension on FCC Form 701	100	100	100	50	
All other applications in the broadcast services [5]	100	100	100	100	

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] The $250 fee applies to construction permits for new stations or major change in existing stations. An application to replace a construction permit for a modification other than a major change must be accompanied by a fee of $100 in all services except auxiliary broadcast.

[3] One-half the filing fee for an application for construction permit for new station or major change in existing station, but not less than $100 (but see note 1 below).

[4] (a) Site change: one that requires new FAA clearance; (b) increase antenna height: more than 20 feet; (c) change antenna pattern: change in MEOV excluded. (See note 1 below.)

[5] Includes applications for construction permits for other than a new station or a major change in existing station in the international broadcast service.

Note 1: In the case of applications to change antenna/transmitter site, to increase antenna height, or to change antenna pattern which are necessitated by a change in state or local law or are due to construction or the later occurrence of some other event beyond the control of the licensee (such as the change in the use of an existing building) that causes distortion or deterioration of the technical operation of a station, the applicable fee will be one-half the filing fee otherwise required for such applications.

(3) *Subscription Television.* Application for Subscription Television Authorizations:

Application filing fee	$700

(4) *International Broadcasting.* Construction Permits for new stations and major changes in existing stations:

Filing fee	$70
Grant fee	630

Grant Fee for Application for Seasonal Schedule:

Per transmitter-hour authorized (for 1 day)	$17

(5) *Assignments and Transfers.* Application for assignment of license or transfer of control—Form 314, Form 315 and Form 316 applications. (Where more than one broadcast station license is involved, the total amount of fees prescribed for each license so involved will be paid in the manner set forth below.):

Sales or Exchanges:	
Application filing fee (forms 314 and 315)	$200
Application filing fee (form 316)	$100

Grant Fee on forms 314 and 315 (to be paid immediately following consummation of the assignment or transfer):	
For AM stations, and joint assignment or transfer of AM-FM stations, with gross revenue of $400,000 or less.	0.9 percent of gross revenue.
For AM stations, and joint assignment or transfer of AM-FM stations, with gross revenue greater than $400,000.	$3,600 plus 1.4 percent of gross revenue in excess of $400,000.
For all FM stations	0.9 percent of gross revenue.
For television stations with gross revenue of $800,000 or less.	1 percent of gross revenue.
For television stations with gross revenue greater than $800,000.	$8,000 plus 1.6 percent of gross revenue in excess of $800,000.
In all other cases and/or when gross revenue is indeterminable (see note 2).	0.4 percent of consideration for assignment or transfer.
Gifts:	
Application filing fees and grant fees for assignments or transfers resulting from gifts are the same as those for sales or exchanges above, with the exception that no grant fee will be assessed for an assignment or transfer by gift from a person to a spouse and/or lineal descendant.	

Note 1: Gross revenue will be determined by taking the average of the annual gross revenue figures appearing on line 19 of FCC Form 324 for the respective station(s) for the three years immediately preceding the date of filing the application for the assignment or transfer. Procedures will be initiated to obtain the gross revenue figure for the immediately preceding year in any case in which a grant may be approved prior to the filing of the form 324.

Note 2: In certain FCC Form 314 and 315 situations, gross revenue figures are not available for assessment of a fee on that basis—for example, assignment or transfer of either an AM or FM from what had been a joint AM-FM operation (i.e. one station is assigned or transferred, and the other retained) or both the AM and the FM stations are assigned or transferred to different parties, and separate FCC Form 324 reports have not been filed for the preceding three years prior to the year in which the application is filed; assignment or transfer of a braodcast station license in which gross revenue has been either nonexistent or so intermittent as to be an improper basis upon which to establish a grant fee; assignment or transfer of religious or other stations that do not report gross revenue. In those types of cases, the grant fee will be assessed on the basis of consideration as indicated above.

Note 3: In the case of transfer of control filed on FCC Form 315, the transfer grant fee will be based on the percentage of interest acquired which resulted in the transfer of control (except for those situations described in Note 4 below in which additional acquisitions of interest may be subject to the grant fee). (Example: "A" acquires a 60 percent interest in an AM station with gross revenue of $100,000. Assuming "A" holds no other interest in this station that was acquired in the preceding two years, the grant fee is $540−$100,000×0.9 percent×60 percent.)

NOTE 4: In the case of transfers of control that require the filing of a FCC Form 315 application, in which the transferee holds previously acquired interests in the subject broadcast station license, the grant fee will be based on the acquisition which resulted in the transfer of control and on interests acquired during the two-year period, or portion thereof, which occurs after March 1, 1975, preceding the date of the contract that necessitates the filing of FCC Form 315. As a part of such Form 315 application, the transferee (i.e. the person, party, entity, or group that is the real party in interest that is seeking to acquire control) will be fully identified and will list all prior acquisitions by the transferee, as defined herein, together with the dates of the acquisitions of interest. In addition, a grant fee will be assessed against any additional interest in the station acquired within two years following the date of the contract for transfer of control. The transferee will be required to inform the Commission of such additional acquisitions and make certain that the proper grant fees are paid. Such grant fee for additional acquisitions within two years subsequent to transfer of control will be computed on the basis of the same gross revenue figures used in connection with the transfer of control application and such additional fee shall be submitted at the time the supplemental Ownership Report (FCC Form 323) is filed with the Commission pursuant to § 1.615(c) of this chapter. (Example: The transferee as fully identified in the Form 315 application acquires the following interests in a station with $100,000 gross revenue: January 1, 1974—5 percent; January 1, 1975—5 percent; March 10, 1975—35 percent; April 1, 1975 (contract date)—15 percent. The transfer grant fee is $450 - $100,000 × 0.9 percent × 50 percent, with the 50 percent figure representing the interest that required the filing of the transfer of control application, plus interests acquired in the two years, occurring after March 1, 1975, which immediately precede the date of the contract which resulted in the transfer of control. If the transferee were to acquire any additional interest in the station prior to April 1, 1977, an additional grant fee would be incurred equivalent to the additional interest acquired times $100,000 times 0.9 percent.

NOTE 5: In cases in which control, either positive or negative, is relinquished by a transferor, and no entity, person, party or group is acquiring control, either positive or negative, the grant fee will be assessed on the basis of the interest passing under the FCC Form 315 application plus all interests that the transferor passed to any entity, person, party or group occurring within two years prior to the contract date that gives rise to the filing of the application. Applicants will set forth the complete information as to all aspects of the "control relinquishing" transactions, including all interests transferred by the transferors to any entity, person, party, or group in the two-year period prior to the contract date, that occurs after March 1, 1975.

(6) *Annual License Fee.* Each broadcast station shall pay an annual license fee to the Commission based on the station's rate card as of June 1 of each year.[1]

For AM & FM radio stations:

The annual license fee will be a payment equal to 8.5 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.

For television broadcast stations:

The annual license fee will be a payment equal to 4.25 times the station's highest "30-second" spot announcement rate, but in no event shall the annual license fee be less than $100.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial, educational use.

(2) Applications in the standard broadcast service requesting authority to determine power of non-directional standard broadcast stations by direct measurement.

(3) Applications for all FM or television translators and all FM or television translator relay stations.

(4) Applications by local government entities in connection with the licensing or operation of a noncommercial broadcast station.

(5) Applications for licenses to cover construction permits in the auxiliary broadcast services.

[40 FR 16396, Apr. 11, 1975, as amended at 40 FR 8188, Feb. 26, 1975; 40 FR 42882, Sept. 17, 1975]

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[1] See § 1.1102(e) of this chapter for explanation of manner of payment and computation of the broadcast annual license fee.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for common carrier services shall be accompanied by the fees prescribed below:

(a) DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES[1]

	Application fee
Application for initial construction permit or for relocation of a base station including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems[3] [4]	$150
If above includes authority for mobile units, blanket dispatch station authority or standby transmitters without independent radiating system add per mobile unit, dispatch station or standby transmitter	6
Application for initial construction permit or for relocation of a dispatch station,[5] auxiliary test station, control station or repeater station[4]	75
Application for other than initial construction permit, modification of construction permit or license for base station, dispatch station, auxiliary test station, control station or repeater station at an existing station location	30
Application for modification of authorization to increase number of mobile units, blanket dispatch stations or standby transmitters without independent radiating systems—per unit or transmitter	6
Application for renewal of base station license	90
If above includes renewal authority for mobile units, blanket dispatch stations or standby transmitters without independent radiating systems, add per mobile unit, dispatch station or standby transmitter	3
Application for renewal of license for dispatch station, auxiliary test station, control station or repeater station	35
Application for license, modification of license or renewal of license for individual mobile stations:[6]	
One mobile unit per application	15
Each additional mobile unit per application	9

(b) RURAL RADIO SERVICE

Application for an initial construction permit or for relocation of central office, interoffice or relay facilities	120
Application for other than initial construction permit, modification of construction permit, or license for central office, interoffice or relay facilities[4]	45
Application for an initial construction permit or for relocation of rural subscriber facilities[4]	75
Application for other than initial construction permit modification of construction permit or license for rural subscriber facilities	45
Application for license for operation of stations at temporary-fixed locations	20
Application for renewal of license of central office, interoffice or relay station	75
Application for renewal of license of rural subscriber station	15

(c) POINT-TO-POINT MICROWAVE RADIO SERVICES

	Application fee
Applications for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities[16]	$120
Application for license for operation of a station at temporary-fixed locations[16]	90
Application for other modifications of construction permit or modification of license[16]	30
Application for renewal of license	75

(d) LOCAL TELEVISION TRANSMISSION SERVICE

Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities[4]	120
Application for license for operation of an STL station at temporary-fixed locations	90
Application for license for operation of a mobile television pickup station	90
Application for other modification of construction permit or modification of license[4]	30
Application for renewal of license	75

(e) MULTIPOINT DISTRIBUTION SERVICE

Application for initial construction permit or for modification involving relocation of station or addition or change of frequencies or increase in power[15]	150
Application for other modification of construction permit or license	30
Application for renewal of license	75

(f) INTERNATIONAL FIXED PUBLIC RADIO-COMMUNICATION SERVICES

International Fixed Public Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station[4]	500
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if the applications are filed simultaneously)[4]	105
Application for change of location of an authorized station	330
Application for modification of license	75
Application for renewal of license	180
International Control Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station[4]	300
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if the applications are filed simultaneously)[4]	180
Application for change of location of an authorized station	300
Application for modification of license	75
Application for renewal of license	90

(g) OTHER RADIO APPLICATIONS

	Application fee
Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application)	35
All other common carrier radio applications	15

(h) SATELLITE COMMUNICATIONS SERVICES [8]

	Filing fee	Grant fee
Application for initial construction permit for commercial transmit/receive earth station.[1]	$120	⅓ of 1 percent of construction cost as set forth in the application, not to exceed $15,000.
Application for initial construction permit for a commercial receive-only or transportable earth station.[4]	60	Do.
Application for modification of construction permit or license or for construction permit for additional equipment at an existing commercial earth station.[4]	60	⅓ of 1 percent of construction cost as set forth in the application.
Application for authority to operate a transportable earth station at a fixed site	[1] 60	None.
Application for renewal of license for a commercial transmit/receive earth station.	60	$3,000.
Application for renewal of license for a commercial receive-only earth station	330	None.
Application for initial construction permit or modification of construction permit or license for an auxiliary station (boresight) to an earth station or for a telemetry, tracking and control station.[4]	30	⅓ of 1 percent of construction cost as set forth in the application.
Application for initial construction permit per satellite [4]	150	$3,000.
Application for authority to launch and operate satellites, per satellite	150	⅓ of 1 percent of satellite construction cost as set forth in the application (due 45 days after successful launch and operation).
Application for renewal of an auxiliary station to an earth station or for a telemetry, tracking and control station.	180	None.
Application for assignment of a commercial transmit/receive earth station or satellite construction permit or license or transfer of control of a licensee or permittee, per earth station or satellite.	45	None.
Application for assignment of a commercial receive-only or transportable earth station construction permit or license or transfer of control of a licensee or permittee, per earth station.	45	None.
Application for communications common carrier for authorization to own stock in the Communications Satellite Corp.	45	None.
Any other application filed under the Communications Satellite Act or the Communications Act of 1934 in the Satellite Communications Services.	45	None.

(i) COMMON CARRIER NONRADIO APPLICATIONS

	Filing fee	Grant fee
Sec. 214 application for construction or acquisition of landline domestic cable or waveguide.[10]	$60	$3 per route mile.
Sec. 214 application to establish or supplement domestic facilities by installation or acquisition of carrier equipment on wire, cable, waveguide, or radio routes.[10]	15	$4.50 per 100 equivalent 4 kHz channel miles authorized.[11] [12]
Sec. 214 application to lease channels from other carriers for domestic use.[10]	15	$3.50 per 100 equivalent 4 kHz channel miles authorized.[11] [12]
Sec. 214 application to lease satellite transponder for domestic use (per transponder).	25	None.
Sec. 214 application for overseas cable construction	600	$30 per route mile (nautical).

(i) COMMON CARRIER NONRADIO APPLICATIONS—Continued

	Filing fee	Grant fee
Sec. 214 application to establish or supplement international facilities by installation or acquisition of carrier equipment on overseas cable or radio routes (except satellite) or to acquire such facilities on a capital basis other than ownership	30	$6 per 100 3 kHz channel miles authorized.[11]
Sec. 214 application to lease channels on overseas cable or radio routes (except satellites).	30	$3.50 per 100 equivalent 3 kHz channel miles authorized.[11]
Sec. 214 application to lease circuits to interconnect international circuits:		
Circuits outside of the United States	15	None.
Circuits within the United States or territories	15	$3.50 per 100 equivalent 3 kHz channel miles authorized.[9] [11]
Sec. 214 application to install carrier equipment to establish international channels of communication at an earth station.	60	One-third of 1 percent of equipment and installation cost as set forth in application.
Sec. 214 application to establish and provide international channels of communication via satellite.	150	None.
Sec. 214 application to acquire satellite channels for international use	30	$12 per equivalent 4 kHz channel.[11]
Cable landing license	120	None.
Sec. 214 application to discontinue, reduce or impair service to the public:		
Telegraph offices and public coast stations[13]	15	Do.
All other	60	Do.
Interlocking directorate applications	30	Do.
Sec. 221 applications	30	Do.
All other common carrier nonradio applications	15	Do.

	Filing fee	Grant fee
Tariff Filings:	Annual Gross Revenue[14] of Issuing Carrier:	
Each tariff page, original or revised, filed pursuant to Part 61 of the Commission's Rules.	Under $1 million	$50
	$1 million to $100 million	100
	$100 million to $1 billion	300
	$1 billion to $10 billion	500
	Over $10 billion	700

(j) OFFSHORE RADIO COMMUNICATIONS SERVICE

	Application fee
Application for an initial construction permit or for relocation of Offshore Central or Relay Facilities.[4]	$120
Application for other than initial construction permit and for modification of construction permit or license for Offshore Central or Relay Facilities.[4]	45
Application for initial construction permit or for relocation of fixed subscriber facilities[4]	75
Application for other than initial construction permit and for modification of construction permit or license for fixed subscriber facilities	30
Application for license for operation of stations at temporary-fixed locations	90
Application for renewal of license of Offshore Central or Relay Facilities	75
Application for renewal of license of fixed subscriber station	15
Application for license, modification of license or renewal of license for individually licensed mobile stations:	
One unit per application	15
Each additional mobile unit per application	9

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[1] In this service each transmitter at a fixed location is a separate station notwithstanding the inclusion of more than 1 such station on a single authorization or under a single call sign.

[2] When included as part of base station applications, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for a single application for a license to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

[6] The fee is not required for applications filed by governmental entities.

[7] For applicants who propose to multiplex their radio systems and who make the supplementary showing required by secs. 21.608 and 21.706 of this chapter in the lead application in lieu of filing a separate application under sec. 214 of the act, an additional grant fee will be payable at the rate prescribed in the schedule for sec. 214 applications to extend or supplement facilities.

[8] The filing fees specified in the schedule for satellite communications services do not apply to initial applications for domestic systems considered in conjunction with that of Western Union; Public Notice FCC 70-953. However, the grant fee will be applicable to any grant. All subsequent applications will be subject to the filing as well as the grant fees.

[9] In the case of connecting circuits for international satellite circuits the mileage is computed as the distance from the U.S. terminal to the nearest Earth station.

[10] Projects undertaken pursuant to grant of continuing authority as prescribed in §§ 63.03(c) and 63.04(c) of this chapter are subject to the grant fee.

[11] Fees for other than 4 kHz or 3 kHz channels will be the appropriate multiple or fractions of the 4 kHz or 3 kHz channel fee. (No grant fee is required for a video and associated audio channels.) Where the transmission of voice or digital data will be accomplished in the digital mode, a 64 kb/s transmission channel is to be considered the equivalent of one 4 kHz analog channel for purposes of calculating the grant fee.

[12] Unless otherwise specified, the grant fees based on channel miles for sec. 214 applications are calculated on the basis of airline mileage between terminal cities (up to a maximum of 2,500 miles between cities). Where domestic satellite channels are to be established between several cities on a demand use basis (as opposed to a point-to-point basis), the grant fee is calculated on the basis of the arithmetic average of the distances between each of the cities being so interconnected. Where the channels being established are one-way (rather than two-way), ½ the normal grant fee will apply.

[13] For blanket applications filed pursuant to §§ 63.67 or 63.68 of this chapter, the grant fee shall apply to each individual main or branch office for which reduction of hours is authorized.

[14] Total operating revenues for the previous calendar year of filing carrier and its communications common carrier subsidiaries which are concurring or connecting carriers in the tariff offering. The fees for tariff filings made by 1 carrier solely on behalf of another carrier shall be based on the total operating revenues of the carrier for which the filing is made.

[15] An additional grant fee of $50 is applied for any application proposing transmitter power in excess of 10 watts.

[16] The application fee is reduced for each application in this category by $10 if it is filed with punched cards as provided for in § 21.14(a) of this chapter.

[40 FR 6396, Apr. 11, 1975, as amended at 40 FR 24005, June 4, 1975; 41 FR 33885, Aug. 11, 1976; 41 FR 37580, Sept. 7, 1976]

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorizations filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	$4
Ship license that includes interim authorization	10
Operational fixed stations using frequencies above 952 MHz:	
Initial license, 5-year renewal and assignment of license	20
Yearly renewal for stations used in CATV systems	5
Stations using frequencies in the band 806–947 MHz and providing service on a commercial basis—per channel	200
Common carrier public coast stations: Initial license, renewal and assignment of license	75
Amateur service:	
Modification of license without renewal	3
Special call sign (in addition to other applicable fee)	25

(b) Except as provided in paragraph (c) of this section, the fee set forth below shall accompany the following application or requests in the Safety and Special Radio Services:

Duplicate license	$2

(c) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry Conservation, Highway Maintenance, Local Government and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: hospitals, disaster relief organizations, beach patrols, school buses, and non-profit ambulance operators and rescue organizations.

(4) Applications filed in the Disaster Communications Services.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Application for Interim Amateur permits or Novice Class licenses in the Amateur Radio Service, applications for amateur stations under military auspices, and applications in the Radio Amateur Civil Emergency Services (RACES).

(7) Operational Fixed Microwave applications filed for Closed Circuit Educational Television Service.

(8) Applications for Aeronautical Radionavigation Stations, Aeronautical Search and Rescue Stations, and any applications filed by the Civil Air

Patrol or its component units in the Safety and Special Radio Services.

(9) Applications for licenses for aircraft stations to operate with only an emergency locator transmitter (ELT); or an application for only an emergency position indicating radio-beacon (EPIRB) station; or an application for modification of a ship station license to include authority for operation of an EPIRB.

(10) Amendments to applications for authorizations in the Safety and Special Radio Services if the amended application on an original filing would not have required a higher fee than that already paid for the application being amended. If a higher fee would have been required than that already paid, the applicant will be required to pay the difference upon filing the amendment. If the fee would have been lower, no refund will be made.

[40 FR 16396, Apr. 11, 1975, as amended at 42 FR 3167, Jan. 17, 1977]

§ 1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.

(a) Applications and petitions filed in the Cable Television and Cable Television Relay Services shall be accompanied by the fees prescribed below:

Application in the Cable Television Relay (CAR) Service:	
For a construction permit	$20
For a license or renewal	5
For a modification of construction permit or of a license	5
For reinstatement of expired construction permit or license	5
For assignment of license or of construction permit, or for transfer of control	10
Application for certificate of compliance pursuant to § 76.11	15

NOTE 1: If multiple applications for certificates of compliance are simultaneously filed by cable television systems having a common headend and identical ownership but serving or proposing to serve more than one community, the full $15 fee will be required for only one of the communities; a $5 fee will be required for each of the other communities.

(b) An annual authorization fee shall be paid by each CATV system on or before April 1, of each year for the preceding calendar year. The fee for each system shall be equal to the number of its subscribers times 13 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter. (See § 1.1102(f).)

NOTE 2: Where a system offers bulk-rates to multiple-outlet subscribers, such as apartment house or motel operators, each bulk-rate contract is viewed as a number of subscriptions to be calculated by dividing the total annual charge for the bulk-rate contract by the system's basic annual subscription rate for an individual household. (Thus, for example, if a cable television system charges an apartment house operator $1,000 a year for a bulk-rate contract and charges individual households a basic rate or $50 per year, the bulk-rate contract is counted as 20 subscriptions (i.e., 1,000÷50=20.) Where a variety of "annual subscription rates" for individual households exists (e.g., $50 per year, if paid in one sum, or $60 per year, if paid on a per-month basis), the rate used in the subscriber formula shall be the lowest annual rate which is offered to individual subscribers ($50 here). Likewise, if the bulk-rate contract is on a monthly basis, it shall be divided by the lowest monthly rate which is offered. In the preceding example, a $50 per year charge should be viewed as a charge of $4.17 per month. It is not contemplated, however, that such calculations should be made with respect to extra payments for additional cable television outlets within the same individual household.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraphs (b) and (c) of this section, applications for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

(1) Applications for new operator license or permit:	
1st-class, 2d-class, or 3d-class, either radiotelephone or radiotelegraph	$4
Provisional radiotelephone 3d-class operator certificate with broadcast endorsement, 1-year term	2
Restricted radiotelephone permit	4
Restricted radiotelephone permit (alien), 5-year term	4
(2) Application for endorsement of license or permit	2
(3) Application for renewal of operator license or permit:	
1st-class, 2d-class, or 3d-class, either radiotelephone or radiotelegraph	2
Restricted radiotelephone operator permit (alien)	4
(4) Application for replacement or duplicate license or permit	2
(5) Application for verification card (form 758–F)	2

(b) Whenever an applicant requests both an operator license or permit and an endorsement, the required fee will be the fee prescribed for the license document involved only.

(c) No fee is required for applications for a replacement license or permit for a marriage-related change of name.

(d) When an application is filed for a new license or permit and the applicant fails to appear for the required examination within 18 months, the application will be null and void for failure to prosecute and no refund will be made.

(e) Operator authorizations are issued by the Commission subject to payment and receipt of the applicable fee pursuant to the requirements of § 1.1102 of this chapter. In the case of operator authorizations, when the Commission is unable to collect the prescribed fee by a specified date upon notification mailed to the applicant at his last known address, the authorization will become null, void and ineffective after that date.

§ 1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

Type approval, type acceptance, certification or approval of subscription television systems shall require payment of fees as prescribed below:

(a) Certification:

Item:	Application fee
(1) Application for certification of each receiver model: [3]	
a. Television broadcast receiver	$250
b. FM broadcast receiver (with or without other reception capability)	150
c. Combination TV/FM broadcast receiver (with or without other reception capability)	300
d. All other receivers.	150
(2) Application for certification of equipment operating under part 18.[3] (No fee required for registration for use of industrial heating equipment on form 724 in accordance with § 18.116 of the Commission's rules)	150
(3) Application for certification of equipment (other than receivers and transceivers in the 30-890 MHz band) operating under Part 15 [3]	150
(4) Application for certification of EBS Attention Signal decoder operating under Part 73 [11, 12]	150
(5) Application for certification of a transceiver in the 30-890 MHz bank operating under Part 15	200

(b) Type acceptance:

Item	Application fee
(1) Application for type acceptance for each equipment type [1 2 3 4]	$200
(2) Application for the addition of one or more rule parts to existing type acceptance for each equipment type as identified by manufacturer or trade name and type number	150
(3) Approval of subscription television system	1,500
(4) Application for type acceptance of EBS Attention Signal encoder operating under Part 73 [12]	200

(c) Type approval: [5]

Item [6]	Filing fee [7]	Grant fee [7]
(1) Applications for type approval of equipment requiring tests: [8 9]		
a. Part 73:		
1. Broadcast modulation monitors—SCA or stereo	$2,400	$800
2. Broadcast modulation monitors—other	1,200	400
3. Broadcast antenna phase monitors	2,400	800
4. Other Broadcasting equipment	1,200	400
b. Parts 81 and 83:		
1. Ship transmitters, including lifeboat transmitters	1,200	400
2. Radar	900	300
3. Ship automatic alarms	3,000	1,000
4. Ship automatic alarm keyers	750	250
5. Other maritime devices	750	250
c. Part 15:		
1. Wireless microphones	450	150
2. Auditory training transmitters (72-76 MHz)	1,200	400
3. Class I TV devices:		
If rated to operate on 1 or channels	1,500	500
If rated to operate on more than 2 channels, for each channels over 2	750	250
4. Other Part 15 devices	450	150

Item [6]	Filing fee [7]	Grant fee [7]
d. Part 18:		
1. Medical diathermy and Subpart H equipment (13.56, 27.12, 40.68 MHz)	750	250
2. Medical diathermy, microwave ovens and other Subpart H equipment (915 MHz and above)	900	300
3. Ultrasonic	450	150
4. Other Part 18 devices	750	250
(2) Applications for type approval of equipment not requiring tests [9]	75	25
(3) Applications for approval of modifications in existing type approved equipment:		
a. Modifications which require retesting	([10])	([10])
b. All other modifications	75	25
(4) Correction of equipment deficiencies:		
Application for type approval where unit has been previously rejected for deficiency and is resubmitted for testing	([10])	([10])

[1] The receiver part of a transceiver or a unit which includes a transmitter and receiver shall be separately certificated. The application for receiver certification shall be filed simultaneously with, but under separate cover from, the application for type acceptance.

[2] In the case of an equipment in which one or more receivers and transmitters are packaged as an individual equipment and identified by a single type number, each receiver shall be separately certificated and each transmitter shall be separately type accepted. The application(s) for certification for each receiver shall be filed simultaneously with, but under separate cover from, the application(s) for type acceptance.

[3] Application for certification or type acceptance of equipments which bear different identification will be considered separate applications, regardless of whether such equipment may be otherwise identical.

[4] Fees for type acceptance are not required in the following cases: (a) when a request for type acceptance is included in an application for station license and covers only the item of equipment to be authorized in that particular station; (b) when a request is made by the licensee of a station for approval of modifications to a specific item of existing type accepted equipment authorized in that particular station.

[5] Whenever an item subject to type approval is required to comply with more than 1 set of technical specifications, separate fees will be required for each set of technical specifications for which compliance is examined. For example, a combined frequency and modulation monitor will require the payment of fees applicable to each; a frequency monitor for standard broadcast and FM broadcast will require payment of fees applicable to each. Likewise, combination units of items of the same type, for example, a combination of two radars, will require payment of 2 fees.

[6] A separate application, with payment of appropriate fees, is required for each equipment bearing different identification, whether in trade name or model number, even though such equipment may otherwise be identical to another. However, see note 9 below.

[7] The filing fee must be remitted with the application. The applicant may include the grant fee if he desires; otherwise the grant fee shall be remitted within the prescribed 45 days after grant of type approval. See § 1.1102 of this chapter.

[8] A single application is required for a combination under a single identification of 2 or more equipments which are subject to type approval, such as a combination of 2 radars. However, payment of separate fees will be required for each equipment which is tested. For an equipment which is subject to 2 or more sets of technical specifications in the rules, separate fees will be required for each set of tests.

[9] For a family or series of equipment models having the same radio frequency generator or transmitter and so nearly identical in design and construction that tests on only 1 model will be required, the model tested will be subject to the fees specified in paragraph (c)(1), and the other models in that series will be subject to the fees specified in paragraph (c)(2). For example, this would apply to 2 or more models of microwave ovens identical except for identification, styling, and, minor electrical or mechanical changes. Likewise, it would apply to 2 or more models of marine radars which employ the same transmitter but with different combinations of accessories. However, initial applications for type approval which request use of alternate magnetrons or other critical components will require payment of the fee indicated in paragraph (c)(1) plus the fee required in paragraph (c)(3)a.

[10] 75 percent of the filing and grant fees specified in (1) above for the particular class of equipment.

[11] If the decoder is included as an integral part of a receiver subject certification, the fee for certification of that category receiver shall apply, in lieu of this amount, for certification of the combination.

[12] Fees for type acceptance and certification of EBS. Attention Signal encoders and decoders, respectively, are not required when the request for type acceptance or certification covers devices constructed by stations licensed under Part 73 for use only at their particular station. Marketing of such devices is prohibited.

[40 FR 16396, Apr. 11, 1975, as amended at 40 FR 34117, Aug. 14, 1975; 41 FR 7398, Feb. 18, 1976]

Subpart H—Ex Parte Presentations

AUTHORITY: Secs. 4, 303, 409, 48 Stat. 1066, 1082, 1096, as amended; 47 U.S.C. 154, 303, 409.

SOURCE: 30 FR 9271, July 24, 1965, unless otherwise noted.

NOMENCLATURE CHANGES: 37 FR 19372, Sept. 20, 1972.

GENERAL

§ 1.1201 Definitions.

(a) *Restricted proceeding.* A proceeding of the type listed in § 1.1203 or § 1.1207.

(b) *Commission personnel.* All members, officers, and employees of the Commission.

(c) *Decision-making Commission personnel.* All Commission personnel listed in §§ 1.1205, 1.1209 and 1.1213.

(d) *Non-decision-making Commission personnel.* All Commission personnel other than decision-making Commission personnel.

(e) *Interested person.* Any person having a direct or indirect interest in the outcome of a restricted proceeding or a non-restricted rule making proceeding, including the following:

(1) Parties to the proceeding.

(2) Any other person who might be aggrieved or adversely affected by the outcome of the proceeding. See Sections 402(b)(6) and 405 of the Communications Act, as amended; see also 28 U.S.C. 2344.

(3) Agents for parties or for other persons who might be aggrieved or adversely affected by the outcome of the proceeding, including attorneys and consulting engineers.

(4) Persons representing the interests of parties to the proceeding or of others who might be aggrieved or adversely affected by the outcome of the proceeding, whether or not such persons act with the knowledge and consent of those whose interests they represent.

(f) *Presentation.* Any communication going to the merits or outcome of a proceeding.

NOTE: The term "presentation" is narrower than the general term "communication." For a discussion of the term "presentation," see 1 FCC 2d 49 (1965), at paragraphs 19-25; —— FCC 2d —— (1980) (*i.e.*, this order), at paragraphs 2, 39, 49 & nn.2, 21.

(g) *Ex parte presentation.* (1) Any written presentation, made to decision-making personnel by another person, which is not served on the parties to the proceeding. See §§ 1.47 and 1.211.

NOTE: Comments and reply comments submitted in informal rule making proceedings pursuant to §§ 1.415 and 1.419 are not considered ex parte presentations even though they are not served on other parties.

(2) Any oral presentation, made to decision-making personnel by any other person, without advance notice to the parties to the proceeding and opportunity for them to be present.

(h) *Non-restricted rule making proceeding.* A proceeding of the type listed in § 1.1211.

(i) *Professional employees.* Lawyers, engineers, economists, accountants, and any other staff members having substantive input into a proceeding.

[30 FR 9271, July 24, 1965, as amended at 45 FR 45591, July 7, 1980]

§ 1.1203 Restricted adjudicative proceedings.

(a) All adjudicative proceedings, including the following, are "restricted" from the time they are designated for hearing until they are removed from hearing status, or have been decided by the Commission, and are no longer subject to reconsideration by the Commission or to review by any court:

(1) Any proceeding involving the issuance, renewal, modification or assignment of any instrument authorizing the construction or operation of radio facilities under Title III of the Communications Act of 1934, as amended.

(2) Any proceeding involving the transfer of control of a corporate licensee or permittee under section 310 of the Communications Act.

(3) Any revocation and/or cease and desist proceeding under section 312 of the Communications Act, unless and until the hearing is waived pursuant to the provisions of § 1.92.

(4) Any proceeding involving the issuance or suspension of an operator license or permit under section 303(l) or (m) of the Communications Act.

(5) Any proceeding conducted pursuant to the provisions of sections 206, 207, 212, 214(a) or 221(a) of the Communications Act.

(6) Any proceeding conducted pursuant to the provisions of section 201(c)(6), (7) or (9), or section 304(f), of the Communications Satellite Act of 1962.

(b) In the following circumstances, in addition, proceedings involving applications filed under section 308 of the Communications Act are "restricted", as to interested persons, prior to their designation for hearing:

(1) Application proceedings are restricted as to interested persons from the day on which a petition to deny is filed. (See section 309(d) of the Communications Act.) If the petition is denied, the proceeding is restricted until the order disposing of the petition is no longer subject to reconsideration by the Commission or to review by any court. If the proceeding is des-

ignated for hearing, paragraph (a) of this section applies.

(2) Application proceedings are restricted as to interested persons from the day on which public notice of the filing of a mutually exclusive application is given. Prior to the day on which public notice is given, such proceedings are restricted as to any interested person having actual knowledge that a mutually exclusive application has been filed. If action is taken by the applicants (or any of them) looking toward removal of the conflict between the applications, the restrictions continue until such action has been approved by the Commission and the Commission's order with respect thereto is no longer subject to reconsideration by the Commission or to review by any court. See § 1.525. If the proceeding is designated for hearing paragraph (a) of this section applies.

(i) Except as provided in paragraph (b)(2) of this section, the "Public Notices" issued at regular intervals listing all applications and major amendments thereto which have been tendered (or, in non-broadcast services, accepted) for filing shall constitute public notice of the filing of a mutually exclusive application. See §§ 1.564(c), 1.962(e) and 21.27(b) of this chapter.

(ii) Where there is doubt as to whether two applications are in fact mutually exclusive, or where the conflict between the applications does not clearly appear from such regularly issued "Public Notices", the Commission will endeavor to issue specific public notices stating that there is a possibility of conflict between the applications. In such circumstances, the specific public notice, rather than the regularly issued "Public Notices" of applications tendered (or accepted) for filing, shall constitute public notice for purposes of this section. (Such public notices are based on a preliminary review of the applications by the administrative staff and are accorded no significance in determining whether the applications should be designated for hearing.)

(c) Cable television proceedings on a petition for special relief or an application for certificate of compliance are restricted as to interested persons from the day on which oppositions of objections are filed pursuant to § 76.7(d) or § 76.27 of this chapter. If the proceeding is terminated without hearing, the proceeding is restricted until the order terminating the proceeding is no longer subject to reconsideration by the Commission or to review by any court. If the proceeding is designated for hearing, paragraph (a) of this section applies.

[30 FR 9271, July 24, 1965, as amended at 34 FR 8242, May 28, 1969; 43 FR 29561, July 10, 1978]

§ 1.1205 Decision-making Commission personnel (restricted adjudicative proceedings).

The following categories of persons are designated as decision-making Commission personnel in restricted adjudicative proceedings:

(a) The Commissioners and their personal office staffs.

(b) The Chief of the Office of Opinions and Review and his staff.

(c) The Review Board and its staff.

(d) The Chief Administrative Law Judge, the Administrative Law Judges, and the staff of the Office of Administrative Law Judges.

(e) The General Counsel and his staff.

(f) The Chief Scientist and his staff.

(g) The Chief of the Office of Plans and Policy and his staff.

[40 FR 21958, May 20, 1975, as amended at 44 FR 39181, July 5, 1979]

§ 1.1207 Restricted rule making proceedings.

Except as otherwise ordered by the Commission, the following rule making proceedings are "restricted" from the day they are instituted until they have been decided by the Commission and are no longer subject to reconsideration by the Commission or review by any court:

(a) Any proceeding conducted pursuant to the provisions of sections 201(a), 204, 205, 213(a), 214(d), 221(c), or 222 of the Communications Act.

(b) Any proceeding involving the establishment of "charges, classifications, practices, regulations, and other terms and conditions", or the allocation of available facilities and stations among users, conducted pursuant to the provisions of section 201(c)(2) of the Communications Satellite Act of 1962.

(c) Any rate making proceeding conducted pursuant to the provisions of section 201(c)(5) of the Communications Satellite Act of 1962.

(d) Any informal rule making proceeding which, in the Commission's judgment, involves "competing claims to a valuable privilege." Such proceedings will be deemed "restricted" from the date on which a notice of proposed rulemaking is issued.

[30 FR 9271, July 24, 1965, as amended at 34 FR 8243, May 28, 1969; 39 FR 18280, May 24, 1974; 45 FR 45591, July 7, 1980]

§ 1.1209 Decision-making Commission personnel (restricted rule making proceedings).

The following categories of persons are designated as decision-making Commission personnel in restricted rule making proceedings:

(a) The Commissioners and their personal office staffs.

(b) The Chief of the Office of Opinions and Review and his staff.

(c) The Chief Administrative Law Judge, the Administrative Law Judges, and the staff of the Office of Administrative Law Judges.

(d) The Chief of the Common Carrier Bureau and his staff; *Provided, however,* That in any restricted rulemaking proceeding where the Commission directs a separated trial staff to participate, the Chief, Hearing and Legal Division of the Common Carrier Bureau shall be a party in the proceeding and he and his staff shall be non-decision-making personnel. In such cases the Chief of the Hearing and Legal Division and his staff will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief and Deputy Chief and all division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

NOTE: Notwithstanding the requirements of § 1.1221 or any other provision of this chapter to the contrary, in restricted rulemaking proceedings, the Chief, Hearing and Legal Division and his staff shall be separated from decision-making personnel only to the extent indicated in this paragraph.

(e) The General Counsel and his staff.

(f) The Chief Scientist and his staff.

(g) The Chief of the Cable Television Bureau and his staff when participating in proceedings involving service by common carriers to cable television systems.

(h) The Chief of the Office of Plans and Policy and his staff.

In a restricted informal rule making proceeding, the Commissioners and all professional employees of the agency who are involved in the proceeding are considered decision-making personnel.

[40 FR 47136, Oct. 8, 1975, as amended at 44 FR 39181, July 5, 1979; 45 FR 45591, July 7, 1980]

§ 1.1211. Non-restricted rule making proceedings.

Any informal rule making proceeding which, in the Commission's judgment, does not involve "competing claims to a valuable privilege" is a non-restricted rule making proceeding.

[45 FR 45591, July 7, 1980]

§ 1.1213 Decision-making Commission personnel (non-restricted rule making proceedings).

In a non-restricted rule making proceeding, the Commissioners and all professional employees of the agency who are involved in the proceeding are considered decision-making personnel.

[45 FR 45591, July 7, 1980]

PROHIBITED PRESENTATIONS

§ 1.1221 Presentations prohibited in restricted proceedings which have been designated for hearing.

Except as provided in § 1.1227, the following presentations are prohibited in restricted proceedings which have been designated for hearing:

(a) *Oral presentations.* Persons outside the Commission and non-decision-making Commission personnel shall not, directly or indirectly, make or attempt to make any oral ex parte presentation.

(b) *Written presentations.* Interested persons and non-decision-making Commission personnel shall not, directly or indirectly, make or attempt to make any written ex parte presentation.

§ 1.1223 Presentations prohibited in restricted adjudicative proceedings prior to their designation for hearing.

(a) As provided in § 1.1203(b), certain application proceedings are "restricted" following the submission of a petition to deny or public notice of the filing of a mutually exclusive application. Except as provided in § 1.1227, no interested person shall, directly or indirectly, make or attempt to make any oral or written ex parte presentation to decisionmaking Commission personnel concerning such a proceeding. Nor, in the absence of public notice, shall such an ex parte presentation be made, directly or indirectly, by an interested person having actual knowledge that a mutually exclusive application has been filed.

(b) As provided in § 1.1203(c), certain cable television proceedings are "restricted" following the submission of an opposition to a petition for special relief or an objection to an application for a certificate of compliance. Except as provided in § 1.1227, no interested person shall, directly or indirectly, make or attempt to make any oral or written ex parte presentation to decisionmaking Commission personnel concerning such a proceeding.

[43 FR 29561, July 10, 1978]

§ 1.1225 Solicitation of ex parte presentations.

(a) No person shall solicit or encourage others to make any presentation which he is himself prohibited from making under the provisions of this subpart.

(b) Except as provided in § 1.1227, decision-making personnel shall not make or cause to be made, solicit or encourage ex parte presentations from any person, and shall not entertain ex parte presentations which are made to them.

[30 FR 9271, July 24, 1965, as amended at 42 FR 12869, Mar. 7, 1977]

§ 1.1227 Permissible ex parte communications.

The following communications shall not be considered to be ex parte presentations prohibited by the provisions of this subpart:

(a) Ex parte communications authorized by statute or by the Commission's rules. (See, for example, § 1.333(d).) However, pleadings which are required to be served but which may be ruled on ex parte do not fall within this category. (See, for example, §§ 1.296 and 1.298(a); such pleadings may not be submitted ex parte.)

(b) Such ex parte communications initiated by the staff of the Common Carrier Bureau or the Cable Television Bureau as may be necessary for the adduction of record evidence in restricted rulemaking proceedings.

(c) Any communication made by or to the General Counsel or his staff concerning judicial review of any matter which has been decided by the Commission.

(d) Any communication from an agency of the Federal Government involving classified security information.

(e) Any request for information solely with respect to the status of a restricted proceeding. (Interested persons, however, are prohibited from directly or indirectly soliciting ex parte status inquiries.)

(f) Any communication between decision-making and non-decision-making Commission personnel prior to the designation of a restricted proceeding for hearing.

[30 FR 9271, July 24, 1965, as amended at 36 FR 19440, Oct. 6, 1971]

§ 1.1229 Presentations prohibited in restricted informal rule making proceedings.

Except as provided in § 1.1227, once a notice of proposed rule making has been issued in a restricted informal rule making proceeding, persons outside the Commission are prohibited from directly or indirectly making or attempting to make any written or oral ex parte presentation until the proceeding has been decided by the Commission and is no longer subject to reconsideration by the Commission or review by any court.

[45 FR 45592, July 7, 1980]

§ 1.1231 Presentations in non-restricted informal rule making proceedings.

(a) Except as provided in § 1.1227, once a notice of proposed rule making has been issued in a non-restricted informal rule making proceeding, ex parte presentations are prohibited between the time a draft order proposing a substantive disposition of any such proceeding is placed on the Commission's Sunshine Agenda and the time the Commission acts on that draft order, and either releases a final order or returns the matter to the staff for further consideration.

(b) At all other times in non-restricted informal rule making proceedings, ex parte presentations are permitted. However, once a notice of proposed rulemaking has been issued, the following procedures must be observed (except with respect to communications permitted under § 1.1227) until the proceeding has been decided by the Commission and is no longer subject to reconsideration by the Commission or review by any court:

(1) *Written ex parte presentations initiated by persons outside the Commission.* No interested person may submit a written ex parte presentation to a Commissioner or Commission staff member unless that person also submits a copy of that presentation under separate cover to the Commission's Secretary for inclusion in the public record. The presentation must indicate on its face that a copy has been submitted to the Secretary, and must indicate by docket number the particular proceeding(s) to which it relates.

(2) *Oral ex parte presentations initiated by persons outside the Commission* No interested person may present data or arguments in an oral ex parte presentation which are not already reflected either in written comments previously submitted in the relevant proceeding, or in a written memorandum submitted to the Secretary (with a copy to the Commissioner or staff member involved) on the day of the presentation.

(3) *Ex parte presentations initiated by persons within the Commission; spontaneous ex parte presentations.* A Commissioner or professional employee of the agency who initiates an ex parte presentation or is involved in a spontaneous ex parte presentation must insure that any significant data or arguments presented thereby are reflected in the public record before the Commission issues a final order in the relevant proceeding.

(4) *Notice.* The Commission will give notice of written ex parte presentations and of memoranda reflecting oral ex parte presentations. It will not give separate notice of oral presentations the substance of which are already reflected in written comments filed pursuant to § 1.415. However, it will publish lists containing the dates of all meetings between Commissioners and persons outside the agency in which ex parte presentations are made.

(5) *Opportunity to respond.* Responses to written or oral ex parte presentations may be made at any time except when prohibited by paragraph (a) of this section. Responses should not raise new matters and are subject to the same procedures as initial presentations.

[45 FR 45592, July 7, 1980]

PROCEDURES FOR HANDLING EX PARTE COMMUNICATIONS

§ 1.1241 Written ex parte communications.

(a) To the extent possible, written exparte communications not authorized under § 1.1227 will be forwarded to the Executive Director rather than to the addressee.

(b) Unauthorized written ex parte communications which reach decision-making Commission personnel will be forwarded by them to the Executive Director. If the circumstances in which an unauthorized written ex parte presentation is made are not apparent from the presentation itself, a statement describing those circumstances shall be submitted to the Executive Director with the presentation.

(c) Unauthorized written ex parte communications, and all statements and correspondence pertaining thereto, will be placed in a public file, which will be associated with, but not made a part of, the file or record of the restricted proceeding to which the communication pertains. Prior to designation for hearing, no such communication, statement or correspondence shall be considered, without disclosure, in determining the merits of a restricted proceeding. After designation for hearing, no such materials shall be considered in determining the merits of a restricted proceeding unless they are made a part of the record of that proceeding.

(d)(1) If, in the judgment of the Executive Director, any unauthorized written ex parte presentation forwarded to him is prohibited by § 1.1221(b) or § 1.1223; or if in his judgment the presentation was solicited or encouraged in violation of § 1.1225; or if in his judgment the presentation should, for any other reason, be brought specifically to the attention of the parties, the Executive Director will serve copies of the presentation, together with copies of any statement describing the circumstances in which it was made, upon the parties to the proceeding.

(2) If the written presentation is voluminous or the parties numerous, or if other circumstances satisfy the Executive Director that service of the presentation would be unduly burdensome, he may (in lieu of service) notify the parties to the proceeding that the presentation has been made and that it is available for public inspection.

(e) A copy of any statement describing the circumstances in which any unauthorized written ex parte presentation was submitted will be forwarded to the person who submitted the presentation. Within 10 days after the statement is mailed to him, the person who submitted the presentation may himself file with the Executive Director a notarized statement with regard to these circumstances, which the Executive Director (if he deems service appropriate) may serve upon parties to the proceeding.

(f) The procedures outlined in paragraphs (a)-(e) of this section will also apply in non-restricted informal rulemaking proceedings.

[30 FR 9271, July 24, 1965, as amended at 45 FR 45592, July 7, 1980]

§ 1.1243 Oral ex parte communications.

(a) If an unauthorized oral ex parte presentation is made to decision-making Commission personnel, they will advise the person making the presentation that it is prohibited and terminate the discussion of such matters.

(b) If an unauthorized ex parte presentation has in fact been made, the person to whom the presentation was made shall forward to the Executive Director a statement containing such of the following information as is known to him:

(1) The name of the restricted proceeding.

(2) The name and address of the person making the presentation and his relationship (if any) to the parties to the proceeding or their attorneys.

(3) The date and time of the presentation, its duration, and the circumstances (telephone, personal interview, casual meeting, etc.) under which it was made.

(4) A brief statement as to the substance of the matters discussed.

(5) Whether the person making the presentation persisted in doing so after having been advised that the presentation is prohibited.

(6) The date and time at which the statement was prepared.

(c) All statements submitted to the Executive Director pursuant to the provisions of this section, and all correspondence pertaining thereto, will be placed in a public file, which will be associated with, but not made part of, the file or record of the restricted proceeding to which the presentation pertains. Prior to designation for hearing, no such presentation, statement or correspondence shall be considered, without disclosure, in determining the merits of a restricted proceeding. After designation for hearing, no such materials shall be considered in determining the merits of a restricted proceeding unless they are made a part of the record of that proceeding.

(d) All statements submitted to the Executive Director pursuant to the provisions of this section shall be served by the Executive Director on the parties to the proceeding. If the parties are numerous, or if other circumstances satisfy the Executive Director that service of the statement would be unduly burdensome, he may (in lieu of service) notify the parties to the proceeding that the presentation has been made and that a statement with respect to it is available for public inspection.

(e) The Executive Director will forward to the person who made the presentation a copy of the statement prepared by the person to whom the presentation was made. Within 10 days after that statement is mailed to him, the person who made the presentation may himself file with the Executive Director a notarized statement with respect to the substance of the presentation and the circumstances in which it was made, which the Executive Director (if he deems service appropriate) may serve upon parties to the proceeding.

(f) The procedures oulined in paragraphs (a)-(e) of this section will also apply in non-restricted informal rulemaking proceedings.

[30 FR 9271, July 24, 1965, as amended at 45 FR 45592, July 7, 1980]

§ 1.1245 Disclosure of information concerning ex parte presentations.

Any party to a restricted proceeding or a non-restricted informal rulemaking proceeding who has substantial reason to believe that an unauthorized ex parte presentation has been solicited, attempted or made, or who has information regarding such a presentation, shall promptly advise the Executive Director in writing of all the facts and circumstances concerning that presentation which are known to him.

[45 FR 45592, July 7, 1980]

SANCTIONS

§ 1.1251 Sanctions.

(a) *Parties.* (1) Upon notice and hearing, any party to a restricted proceeding who directly or indirectly makes any unauthorized ex parte presentation, who encourages or solicits others to make any such presentation, or who fails to advise the Executive Director of the facts and circumstances concerning an unauthorized ex parte presentation (see § 1.1245), may be disqualified from further participation in that proceeding. Such alternative or additional sanctions as may be appropriate may be imposed.

(2) To the extent consistent with the interests of justice and the public, a party who has made an ex parte presentation may be required to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded or otherwise adversely affected.

(b) *Commission personnel.* Violations of the provisions of this subpart by Commission personnel will be disposed of in accordance with the procedures set forth in Administrative Order No. 10 and the penalties therein specified.

(c) *Other persons.* Such sanctions as may be appropriate under the circumstances will be imposed upon other persons who violate the provisions of this subpart.

(d) The sanctions outlined in paragraphs (a)(1), (b), and (c) of this section will also apply in non-restricted informal rulemaking proceedings. The sanction outlined in paragraph (a)(2) of this section will not apply in non-restricted informal rulemaking proceedings.

[30 FR 9271, July 24, 1965, as amended at 42 FR 12869, Mar. 7, 1977; 45 FR 45592, July 7, 1980]

Subpart I—Procedures Implementing the National Environmental Policy Act of 1969

SOURCE: 39 FR 43843, Dec. 19, 1974, unless otherwise noted.

§ 1.1301 Basis and purpose.

The provisions of this subpart implement the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347.

§ 1.1303 Scope.

The provisions of this subpart apply to all major Commission actions authorizing the construction of communications facilities (see §§ 1.1305 and 1.1311(c)). The Commission will, in addition, invoke and implement the environmental impact statement process before taking a position on legislative or rule making matters which would have a significant effect on the quality of the human environment.

§ 1.1305 Major actions.

(a) Except as provided in paragraph (b) of this section, Commission actions authorizing construction of the following classes of communications facilities are major actions within the meaning of the National Environmental Policy Act:

(1) Underground cable and wave guide routes and aerial transmission lines.

(2) Antenna towers or supporting structures which extend 300 feet in height.

(3) AM directional arrays without regard to height.

(4) [Reserved]

(5) Satellite earth stations having an antenna of 30 feet or more in diameter.

(6) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness area is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.2 (d) and (f) and 800.10);

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value; and

(v) Facilities to be located in a floodplain (see Executive Order 11988).

(7) Facilities whose construction will involve extensive change in surface features (e.g., wetland fill, deforestation or water diversion). In the case of wetlands on Federal property, see Executive Order 11990.

NOTE: The provisions of this paragraph do not encompass the installation of additional cable over existing underground cable routes or the mounting of microwave, FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged. The provisions of this paragraph also do not apply to facilities located in areas devoted to heavy industry or to agriculture which are operated in support of the industrial or agricultural enterprises with which they are associated.

(b) In the circumstances recited in this paragraph, Commission actions authorizing construction of the classes of communications facilities listed in paragraph (a) of this section are minor actions within the meaning of the National Environmental Policy Act:

(1) The construction of an antenna tower or supporting structure in an established "antenna farm" (i.e., an area in which similar antenna towers are clustered, whether or not such area has been officially designated as an antenna farm).

(2) The modification of existing or authorized facilities, provided such modification does not involve a site change or a substantial increase in tower height.

(3) The construction of an antenna structure which is to remain in place for a temporary period (as for the conduct of experimental or developmental operations, for the duration of emergency conditions, or for maintenance of service pending repair of a permanent structure) and then be removed, providing there will be no lasting effects of environmental significance.

(4) The replacement of an existing structure with a structure of the same kind on the same site.

(c) Commission action authorizing the construction of communication facilities not listed in paragraph (a) of this section are minor actions within the meaning of the National Environmental Policy Act: *Provided, however,* That the Commission, on its own motion or on motion of any interested person, may determine that the environmental consequences of a particular action are such as to warrant preparation of an environmental impact statement.

[39 FR 43843, Dec. 19, 1974, as amended at 40 FR 53393, Nov. 18, 1975; 42 FR 59755, Nov. 21, 1977]

§ 1.1311 Environmental information to be submitted with applications for authority to construct major communications facilities.

(a) Except as provided in paragraphs (d) and (e) of this section, a narrative statement containing the following information shall be submitted with each application for authorization of the construction of major communications facilities (as defined in § 1.1305):

(1) For underground cable facilities, a description of the route between at least two major terminals, and a discussion of environmental and other considerations which led to selection of that route.

(2) For antenna towers and satellite earth stations, a description of the facilities (including height and special design features, access roads and power lines), a description of the site, the surrounding area and its uses, and a discussion of environmental and other considerations which led to its selection.

(3) A statement as to the zoning classification of the site (if any) and concerning communication with or proceedings before zoning, planning environmental, or other local, State or Federal authorities on matters relating to environmental effect.

(4) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(5) A discussion of the nature and extent of any unavoidable adverse environmental effects perceived by the applicant and (where adverse effects are present) a discussion of any efforts made to minimize such effects and of any alternative routes, sites or facilities which have been or might reasonably be considered.

NOTE: To the extent that such information is submitted in another part of the application, it need not be duplicated in the statement, but adequate cross-reference to such information shall be supplied.

(b) The information submitted should be factual (not argumentative or conclusory) and should be sufficiently comprehensive and detailed to convey an understanding of the environmental consequences and to serve as a basis for a judgment concerning their significance. If the applicant perceives unavoidable environmental consequences, it may be appropriate to attach a statement by an expert in the relevant discipline(s) detailing the extent and precise nature of such consequences and measures which can be taken to minimize them. The statement should deal specifically with any feature of the site or route which has special environmental significance—e.g., wilderness areas, wildlife preserves, natural flyways for birds, and sites of scenic, cultural, historic, architectural, archeological, or recreational value. In the case of historically significant sites, the statement should specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 FR 6402, February 19, 1974. It should also detail any substantial change in the character of the land utilized—e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features. In the case of wilderness areas, wildlife preserves, or other like areas, the statement should discuss the effect of any continuing pattern of human intrusion into the area (as for operation or maintenance of the facilities or site habitation). To the extent that the principles and techniques governing construction, siting and routing of the facilities are consistent with an environmental code filed with and approved by the Commission, a reference to that code will suffice in lieu of a detailed discussion.

NOTE: The National Register is updated and re-published in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(c) In the case of facilities licensed in the Private Radio Services, the information required by paragraph (a) of this section shall be submitted and ruled on by the Commission, and the environmental impact statement process (if invoked) shall be completed, before construction of the facilities is commenced. Except as regards environmental effect, however, a construction permit for such facilities is not required.

(d) A narrative statement need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether construction of the facilities in question will have a significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process. The issuance of a permit for the use of Federal land is an important consideration favoring the conclusion that an authorization will not have significant environmental effect or that the effect is not of sufficient significance to warrant denial of a permit, but it is conclusive only if the agency issuing the land use permit followed procedures prescribed by the National Environmental Policy Act.

(e) A narrative statement need not be submitted to the Commission if the facilities are to be utilized exclusively in rendering services to the United States Government and the existence or purpose of such facilities is classified security information. (In such cases, it would appear that the environmental determination should be made by the Government agency for which the services are to be rendered under procedures compatible with the national security and on the basis of information which that agency alone may have.)

NOTE: The reporting requirement contained in § 1.1311 has been approved by the U.S. General Accounting Office under number B-180227 (R0086).

[39 FR 43843, Dec. 19, 1974, as amended at 42 FR 59850, Nov. 22, 1977; 44 FR 39181, July 5, 1979]

§ 1.1313 Commission consideration of environmental information.

(a) No major Commission action (as defined in § 1.1305) granting an application (or authorizing construction on the basis of a narrative statement, pursuant to § 1.1311(c)) will be taken by the Commission earlier than 30 days following the Commission's issuance of a public notice stating that the application, the narrative statement, or a substantial amendment thereof has been accepted for filing. In the case of an application to which Section 309(b) of the Communications Act applies, objections based on environmental considerations may be filed as petitions to deny (see Section 309(d) of the Communications Act and §§ 1.580, 1.962, and 21.27 of this chapter). Informal objections to any major Commission action (as defined in § 1.1305) which are based on environmental considerations may be filed at any time prior to the action. Any person who wishes to raise a question concerning the effect of a grant on the quality of the environment should file either a petition to deny or an informal objection within the period prescribed. A subsequent opportunity to comment on a draft environmental impact statement will be afforded only if the application processing staff determines, on the basis of available information, that a grant would have a significant effect on the quality of the environment.

(b) When the application is reached for processing, the processing staff will review the statement required by § 1.1311 and any other available information bearing on the question of environmental effect and will determine whether a grant of the application will have a significant effect on the quality of the human environment. In connection with this review, the staff may require the applicant to furnish additional information bearing on the effect of a grant.

(1) If it is determined that grant of an application will not have significant environmental effect, the application will thereafter be processed without further consideration of environmental effect.

(2) If it is determined that a grant will or may have significant environmental effect, the staff may, before deciding to prepare a draft environmental impact statement, discuss matters of environmental concern with the applicant, concerned individuals and experts, in an effort to identify measures which could be taken to minimize adverse effect and alternatives which are not, or are less, objectionable. (The Advisory Council on Historic Preservation has adopted formal procedures for such consultation. See 39 FR 3366, January 25, 1974,

36 CFR 800.) The staff may direct that technical studies be made or that expert opinion be obtained concerning the effect of a grant and the environmental, communications and cost effects of measures or alternatives which could reduce, minimize or eliminate an environmental problem. The staff may also request that a person objecting to grant of an application on environmental grounds raise his objections with appropriate local, State or Federal land use authorities (if their views have not previously been sought) and, if he declines, may itself request the views of such authorities. The applicant may amend his application to reduce, minimize or eliminate such a problem. If such measures as are taken fail to eliminate the environmental problem, the staff will prepare a draft environmental impact statement. When a decision to prepare a statement is made, a public notice to that effect will be published in the FEDERAL REGISTER. The public notice will indicate the nature and location of the facilities and will advise interested persons that they may obtain a copy of the statement by submitting a written request to the Commission prior to the date on which the statement is duplicated for circulation to agencies.

(c) If it appears that grant of an application will not have significant environmental effect or that construction can proceed in part without such effect, and if all statutory requirements pertaining to such action are met, the Commission may waive the requirement for a construction permit, or may grant a temporary authorization, prior to final action on the application.

§ 1.1315 The draft environmental impact statement; comments.

(a) The draft environmental impact statement will describe the facilities, the area affected and its uses. It will enumerate the environmental consequences and, to the extent possible, will evaluate their magnitude and significance. It will relate views expressed by persons opposing grant of the application on environmental grounds. It will describe alternatives considered by the applicant, advocated by persons opposing grant of the application or developed by the Commission, explain the basis for rejection of any alternative not considered feasible, and discuss the relative advantages and disadvantages of feasible alternatives. It will discuss measures which will or could be taken to minimize adverse effects and will indicate whether the applicant proposes to take such measures. It will deal specifically with any feature of the impacted area which has special environmental significance. Except as may be appropriate in assessing the feasibility of alternatives, it will not discuss non-environmental considerations, or draw conclusions as to whether a grant will serve the public interest. Such matters will be considered by the Commission in acting on the application after the final environmental impact statement has been prepared. The summary sheet set out as Appendix I to the CEQ Guidelines will accompany each draft statement.

(b) The draft statement will be prepared by the application processing staff before any action is taken on the application and before any recommendation regarding action is made to the Commission. The statement will not be adopted by the Commission.

(c) When a draft statement is prepared, the Commission will publish in the FEDERAL REGISTER a public notice containing the following information:

(1) The nature and location of the facilities.

(2) A brief statement regarding the nature of any environmental problem dealt with in the draft environmental impact statement.

(3) A statement that the draft statement is available for inspection at the Commission and that a limited number of copies will be made available upon request.

(4) A statement that comments on the draft statement may be filed within 45 days after publication of the notice. (The date of publication will be specified in the notice.)

(d) Before notice of the draft statement is published in the FEDERAL REGISTER, copies will be mailed, with a request for comment, to Federal and Federal-State agencies having jurisdiction by law or special expertise with respect to the environmental effects of the facilities. (See Appendix II to the CEQ Guidelines.) Five copies of the statement will be mailed to the Council on Environmental Quality. Copies of the statement will be mailed to the applicant and to individuals, groups and State and local agencies known to have an interest in the environmental consequences of a grant.

(e) Any person or agency may comment on the environmental impact of the facilities described in the environmental impact statement within 45 days after public notice of the statement is published in the Federal Register. Comments shall be served on the applicant by the person who files them. An original and 6 copies of comments shall be submitted to the Commission. Five (5) additional copies shall be forwarded by the person commenting to the Council on Environmental Quality. If a person submitting comments is specially qualified in any way to comment on the environmental impact of the facilities, a statement of his qualifications shall be set out in the comments. Comments submitted by an agency shall, in addition, specify the identity of the person(s) who prepared them.

(f) The applicant may file reply comments within 21 days after the time for filing comments has expired. Reply comments shall be served by the applicant on persons or agencies which filed comments. An original and six copies of reply comments shall be submitted to the Commission.

(g) Comments and reply comments shall be accompanied by a certificate of service. See § 1.47.

(h) The preparation of a draft environmental impact statement and request for comments shall not open the application to attack on other grounds.

(i) The application, the draft environmental impact statement, and all related papers, including agency comments, shall be routinely available for public inspection.

§ 1.1317 The final environmental impact statement.

(a) Upon consideration of the comments and reply comments, the application processing staff will prepare a final environmental impact statement. The final statement will contain a discussion of matters discussed in the draft statement (see § 1.1315(a)), taking into consideration all matters of substance raised in the comments and reply comments. If the comments show that the effect of the facilities will in fact not be significant, the final statement will state that conclusion. The summary sheet set out as Appendix I of the CEQ Guidelines will accompany each final statement.

(b) Copies of the final statement will be distributed to the applicant and to persons and agencies which submitted substantive comment on the draft statement. If practicable, copies of the comments and reply comments will be attached to and distributed with the final statement. Persons who submitted comments may be requested to furnish additional copies for this purpose. Five copies of the final statement and all comments will be submitted to the Council on Environmental Quality.

(c) The Commission will consider the final environmental impact statement in determining whether to grant the application or to designate it for hearing on an environmental issue. It may adopt or reject conclusions set out in the final statement relating to environmental consequences of the action or their significance. If the Commission adopts the final statement, it will be made a part of the opinion issued by the Commission in granting the application or designating it for hearing. If the Commission rejects all or part of the final statement and grants the application, the reasons for rejection of the statement will be stated in the opinion, and the statement will be associated with that opinion. If the Commission rejects all or part of the final statement and designates the application for hearing on an issue relating to the rejected statement or part, a supplementary final statement reflecting the Commission's determination will be prepared, circulated to interested persons and agencies and associated with the designation order before the hearing is commenced.

§ 1.1319 Consideration of the final environmental impact statement during the hearing and decision-making process.

(a) If the application is designated for hearing on an environmental issue, the final (or supplementary final) environmental impact statement will be associated with the designation order and will be considered in delineating the scope of the environmental issue.

(b) Copies of comments from Federal, State and local agencies will be associated with the record of the hearing proceeding, shall be admissible in evidence for the limited purpose of showing the views of those agencies, and may be used in cross-examining witnesses on the environmental issue.

(c) Agencies and individuals who comment on environmental effect may be invited to participate as parties to the proceeding and, if not named as parties, may petition to intervene. Agencies which comment may be asked by Commission counsel or others to furnish expert witnesses to testify on matters of environmental impact. Subpoenas for the appearance of such agency experts will be issued, if necessary, when their testimony is required to lay a foundation for the admission of agency comments in evidence to show the truth of facts and the validity of conclusions contained therein.

(d) The burden of proceeding with the introduction of evidence on the environmental issue, as well as the burden of proof on that issue, shall be upon the applicant, except as otherwise provided in the designation order.

Subpart J—Pole Attachment Complaint Procedures

Source: 43 FR 36094, Aug. 15, 1978, unless otherwise noted.

§ 1.1401 Purpose

The rules and regulations contained in Subpart J of this part provide complaint and enforcement procedures to ensure that rates, terms and conditions for cable television pole attachments are just and reasonable.

§ 1.1402 Definitions.

(a) The term "utility" means any person whose rates or charges are regulated by the Federal Government or a State and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for wire communications. Such term does not include any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.

(b) The term "pole attachment" means any attachment by a cable television system to a pole, duct, conduit, or right-of-way owned or controlled by a utility.

(c) The term "usable space" means the space on a utility pole above the minimum grade level which can be used for the attachment of wires, cables, and associated equipment.

(d) The term "complaint" means a filing by either a cable television system operator or a utility alleging that a rate, term, or condition for a pole attachment is not just and reasonable.

(e) The term "complainant" means a cable television system operator or a utility who files a complaint.

(f) The term "respondent" means a cable television system operator or a utility against whom a complaint is filed.

(g) The term "State" means any State, territory, or possession of the United States, the District of Columbia, or any political subdivision, agency, or instrumentality thereof.

§ 1.1403 Notice of removal and petition for temporary stay.

(a) A utility shall provide a cable television system operator no less than 60 days written notice prior to (1) removal of facilities or termination of any service to those facilities, such removal or termination arising out of a rate, term or condition of a cable television pole attachment agreement, or (2) any increase in pole attachment rates.

(b) A cable television system operator may file a "Petition for Temporary Stay" of the action contained in a notice received pursuant to paragraph (a) of this section within 15 days of receipt of such notice. Such submission shall not be considered unless it includes, in concise terms, the relief sought, the reasons for such relief, including a showing of irreparable harm and likely cessation of cable television service, a copy of the notice, and certification of service as required by § 1.1404(b) of this Subpart. The named respondent may file an answer within 7 days of the date the Petition for Temporary Stay was filed. No further filings under this Section will be considered unless requested or authorized by the Commission and no extensions of time will be granted unless justified pursuant to § 1.46.

§ 1.1404 Complaint.

(a) The complaint shall contain the name and address of the complainant, name and address of the respondent, and shall contain a verification (in the form set forth in § 1.721(b)), signed by the complainant or officer thereof if complainant is a corporation, showing complainant's direct interest in the matter complained of. Counsel for the complainant may sign the complaint. Complainants may join together to file a joint complaint.

(b) The complaint shall be accompanied by a certification of service on the named respondent and each State, Federal or local agency which regulates any aspect of service provided by the utility or cable television system named as either complainant or respondent.

(c) The complaint shall contain a statement that the State has not certified to the Commission that it regulates the rates, terms and conditions for pole attachments, and that the utility is not owned by any railroad, any person who is cooperatively organized or any person owned by the Federal Government or any State.

(d) The complaint shall be accompanied by a copy of the pole attachment agreement, if any, between the cable system operator and the utility. If there is no present pole attachment agreement, the complaint shall contain:

(1) A statement that the utility uses or controls poles, ducts or conduits used or designated, in whole or in part, for wire communication and such statement shall be accompanied by evidence of such use or designation, or by an explanation of why such evidence cannot be provided; and

(2) A statement that the cable television operator currently has attachments on the poles and such statement shall be accompanied by evidence of such attachment, or by an explanation of why such evidence cannot be provided.

(e) The complaint shall state with specificity the pole attachment rate, term or condition which is claimed to be unjust or unreasonable.

(f) In any case, where it is claimed that a term or condition is unjust or unreasonable, the claim shall specify all information and argument relied upon to justify said claim.

(g) In a case where it is claimed that either a rate is unjust or unreasonable, or a term or condition is unjust or unreasonable and examination of such term or condition requires review of the associated rate, the complaint shall provide data and information in support of said claim. The data and information shall include, where applicable:

(1) The gross investment by the utility for pole lines;

(2) The cross arm investment for pole lines;

(3) The depreciation reserve from the gross pole line investment;

(4) The depreciation reserve from the crossarm investment;

(5) The total number of poles: (i) Owned; and (ii) controlled or used by the utility;

(6) The total number of poles which are the subject of the complaint;

(7) The number of poles included in (6) that are controlled or used by the utility through lease between the utility and other owner(s), and the annual amounts paid by the utility for such rental;

(8) The number of poles included in (6) that are owned by the utility and that are leased to other users by the utility, and the annual amounts paid to the utility for such rental;

(9) The annual carrying charges attributable to the cost of owning a pole. These charges may be expressed as a percentage of the net pole investment;

(10) The rate of return authorized for the utility for intrastate service;

(11) The average amount of usable space per pole for those poles used for pole attachments (13.5 feet may be in lieu of actual measurement, but may be rebutted);

(12) Reimbursements received from CATV operators for non-recurring costs; and

Data and information should be based upon historical or original cost methodology, insofar as possible. Data should be derived from Form M, FERC 1, or other reports filed with state or federal regulatory agencies (identify source). Calculations made in connection with these figures should be provided to the complainant. Where the attachments involve ducts, conduits, or rights of way, in whole or in part, appropriate and equivalent data and information should be filed. The complainant shall also specify any other information and argument relied upon to attempt to establish that a rate, term, or condition is not just and reasonable.

(h) If any of the information required in (g) of this section is not provided to the cable television operator by the utility upon reasonable request, the cable television operator shall include a statement indicating the steps taken to obtain the information from the utility, including the dates of all requests. No complaint filed by a cable television operator shall be dismissed where the utility has failed to provide the information in (g) of this section after such reasonable request.

(i) The complaint shall include a brief summary of all steps taken to resolve the problem prior to filing.

(j) Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

[43 FR 36094, Aug. 15, 1978, as amended at 44 FR 31649, June 1, 1979; 45 FR 17014, Mar. 17, 1980]

§ 1.1405 File numbers.

Each complaint which appears to be essentially complete under § 1.1404 will be accepted and assigned a file number. Such assignment is for administrative purposes only and does not necessarily mean that the complaint has been found to be in full compliance with other sections in this Subpart. Petitions for temporary stay will also be assigned a file number upon receipt.

[44 FR 31650, June 1, 1979]

§ 1.1406 Dismissal of complaints.

(a) The complaint shall be dismissed for lack of jurisdiction in any case where a suitable certificate has been filed by a State pursuant to § 1.1414 of this Subpart. Such certificate shall be conclusive proof of lack of jurisdiction of this Commission. A complaint against a utility shall also be dismissed if the utility does not use or control poles, ducts, or conduits used or designated, in whole or in part, for wire communication or if the utility does not meet the criteria of Section 1.1402(a) of this Subpart.

(b) If the complaint does not contain substantially all the information required under § 1.1404 the Commission may dismiss the complaint or may require the complainant to file additional information. The complaint shall not be dismissed if the information is not available from public records or from the respondent utility after reasonable request.

(c) Failure by the complainant to respond to official correspondence or a request for additional information will be cause for dismissal.

(d) Dismissal under provisions of (b) above will be with prejudice if the complaint has been dismissed previously. Such a complaint may be refiled no earlier than six months from the date it was so dismissed.

[43 FR 36094, Aug. 15, 1978, as amended at 44 FR 31650, June 1, 1979]

§ 1.1407 Response and reply.

(a) Respondent shall have 30 days from the date the complaint was filed within which to file a response. Complainant shall have 20 days from the date the response was filed within which to file a reply. Extensions of time to file are not contemplated unless justification is shown pursuant to § 1.46. Except as otherwise provided in § 1.1403, no other filings and no motions other than for extension of time will be considered unless authorized by the Commission. The response should set forth justification for the rate, term, or condition alleged in the complaint not to be just and reasonable. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts and exhibits shall be verified by the person who prepares them. The response, reply, and other pleadings may be signed by counsel.

(b) The response shall be served on the complainant and all parties listed in complainant's certificate of service.

(c) The reply shall be served on the respondent and all parties listed in respondent's certificate of service.

(d) Failure to respond may be deemed an admission of the material factual allegations contained in the complaint.

[44 FR 31650, June 1, 1979]

§ 1.1408 Number of copies and form of pleadings.

(a) An original and three copies of the complaint, response, and reply shall be filed with the Commission.

(b) All papers filed in the complaint proceeding must be drawn in conformity with the requirements of §§ 1.49, 1.50 and 1.52.

§ 1.1409 Commission consideration of the complaint.

(a) In its consideration of the complaint, response, and reply, the Commission may take notice of any information contained in publicly available filings made by the parties and may accept, subject to rebuttal, studies that have been conducted. The Commission may also request that one or more of the parties make additional filings or provide additional information. Where one of the parties has failed to provide information required to be provided by these rules or requested by the Commission, or where costs, values or amounts are disputed, the Commission may estimate such costs, values or amounts it considers reasonable, or may decide adversely to a party who has failed to supply requested information which is readily available to it, or both.

(b) The complainant shall have the burden of establishing a prima facie case that the rate, term, or condition is not just and reasonable.

(c) The Commission shall determine whether the rate, term or condition complained of is just and reasonable. For the purposes of this paragraph, a rate is just and reasonable if it assures a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the total usable space, or the percentage of the total duct or conduit capacity, which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs of the utility attributable to the entire pole, duct, conduit, or right-of-way.

(d) If the Commission determines that the complainant has not established a prima facie case or that the rate, term, or condition complained of is just and reasonable, it shall deny the complaint.

§ 1.1410 Remedies.

If the Commission determines that the rate, term, or condition complained of is not just and reasonable, it may prescribe a just and reasonable rate, term, or condition and may:

(a) Terminate the unjust and unreasonable rate, term, or condition;

(b) Substitute in the pole attachment agreement the just and reasonable rate, term, or condition established by the Commission; and

(c) Order a refund, or payment, if appropriate. The refund or payment will normally be the difference between the amount paid under the unjust and/or unreasonable rate, term, or condition and the amount that would have been paid under the rate, term, or condition established by the Commission from the date that the complaint, as acceptable, was filed, plus interest.

[44 FR 31650, June 1, 1979]

§ 1.1411 Meetings and hearings.

The Commission may decide each complaint upon the filings and information before it, may require one or more informal meetings with the parties to clarify the issues or to consider settlement of the dispute, or may, in its discretion, order evidentiary procedures upon any issues it finds to have been raised by the filings.

§ 1.1412 Enforcement.

If the respondent fails to obey any order imposed under this subpart, the Commission on its own motion or by motion of the complainant may order the respondent to show cause why it should not cease and desist from violating the Commission's order.

§ 1.1413 Forfeiture.

(a) If any person willfully fails to obey any order imposed under this subpart, or any Commission rule, or

(b) If any person shall in any written response to Commission correspondence or inquiry or in any application, pleading, report, or any other written statement submitted to the Commission pursuant to this subpart make any misrepresentation bearing on any matter within the jurisdiction of the Commission, the Commission may, in addition to any other remedies, including criminal penalties under Section 1001 of Title 18 of the United States Code, impose a forfeiture pursuant to Section 503(b) of the Communications Act, 47 U.S.C. 503(b).

§ 1.1414 State certification.

(a) If the Commission does not receive certification from a State that:

(1) It regulates rates, terms, and conditions for pole attachments, and

(2) In so regulating such rates, terms, and conditions, the State has the authority to consider and does consider the interests of the subscribers of cable television services, as well as the interests of the consumers of the utility services, it will be rebuttably presumed that the State is not regulating pole attachments.

(b) Upon receipt of such certification, the Commission shall give public notice. In addition, the Commission shall compile and publish from time to time, a listing of States which have provided certification.

(c) Upon receipt of such certification, the Commission shall forward any pending case thereby affected to the State regulatory authority, shall so notify the parties involved and shall give public notice thereof.

(d) Certification shall be by order of the state regulatory body or by a person having lawful delegated authority under provisions of state law to submit such certification. Said person shall provide in writing a statement that he or she has such authority and shall cite the law, regulation or other instrument conferring such authority.

[43 FR 36094, Aug. 15, 1978, as amended at 44 FR 31650, June 1, 1979]

§ 1.1415 Other orders.

The Commission may issue such other orders and so conduct its proceedings as will best conduce to the proper dispatch of business and the ends of justice.

APPENDIX A—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Sec. 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said Sec. 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said Sec. 410(b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said Sec. 410(b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners representing the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have the authority to accept or to decline said invitation for the association, and to determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association's executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission, which the association's president and the first and second vice presidents, or any two of them, consider should be made a cooperating proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commission considering that said proceeding should be made cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the president of the association shall have the same authority to proceed, and shall proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall exercise his best judgment to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving eight States or less, or has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinbefore provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.

[28 FR 12462, Nov. 22, 1963, as amended at 29 FR 4801, Apr. 4, 1964]

APPENDIX B—INTERPRETATIONS OF FEE RULES AND PROCEDURES [RESERVED]

NOTE: Pending appropriate revisions and additions, Appendix B is removed to save printing costs. See 36 FR 19440, Oct. 6, 1971.

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AUTHORITY: Sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

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Subpart A—Definitions

§ 2.1 Definitions.

The following definitions are issued:

Active satellite. An earth satellite carrying a station intended to transmit or re-transmit radiocommunication signals.

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations.

Aeronautical fixed service. A fixed service intended for the transmission of information relating to air navigation, preparation for and safety of flight.

Aeronautical fixed station. A station in the aeronautical fixed service.

Aeronautical mobile service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may also participate.

Aeronautical mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on board aircraft. Survival craft stations and emergency position indicating radio-beacon stations may also participate in this service.

Aeronautical multicom land station. An aeronautical station operating in the aeronautical multicom service.

Aeronautical multicom mobile station. A mobile station operating in the aeronautical multicom service.

Aeronautical multicom service. A mobile service not open to public correspondence, used to provide communications essential to conduct of activities being performed by or directed from private aircraft.

Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.

Aeronautical radionavigation-satellite service. A radionavigation-satellite service in which mobile earth stations are located on board aircraft.

Aeronautical search and rescue station. A land or mobile station in the aeronautical mobile service used for communication with aircraft and other aeronautical search and rescue stations pertaining to search and rescue activities with aircraft.

Aeronautical station. A land station in the aeronautical mobile service. In certain instances an aeronautical station may be placed on board a ship or an earth satellite.

Aeronautical telemetering land station. A telemetering land station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical telemetering mobile station. A telemetering mobile station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical utility land station. A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

Aeronautical utility mobile station. A mobile station used for communication at airdromes with the aeronautical utility land station, the airdome control station, the FAA flight service station, ground vehicles, and aircraft on the ground.

Aircarrier aircraft station. An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

Aircraft station. A mobile station in the aeronautical mobile service on board an aircraft or an air-space vehicle.

Airdrome control station. An aeronautical station providing communication between an airdrome control tower and aircraft.

Amateur service. A service of self-training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur-satellite service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service.

Amateur station. A station in the amateur service.

Aural broadcast STL station. A fixed station utilizing telephony for the transmission of aural program material between a studio and the transmitter of a broadcasting station other than an international broadcasting station, for simultaneous or delayed broadcast.

Aural broadcast intercity relay station. A fixed station utilizing telephony for the transmission of aural program material between broadcasting stations other than international broadcasting stations, for simultaneous or delayed broadcast.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization.

Automatic Vehicle Monitoring (AVM). The use of a non-voice signaling methods in the land mobile services involving radio transmissions from and to moving vehicles to automatically determined and make known at a central point the location of each member of a group of vehicles; and the employment of supplemental data messages relating to instruction and status of vehicles being located.

Aviation instructional station. A land or mobile station in the aeronautical mobile service used for radiocommunications pertaining to instructions to students or pilots while actually operating aircraft or engaged in soaring activities.

Aviation services. Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Baseband. In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

Bit rate. The rate of transmission of information in binary (two state) form in bits per unit time.

Broadcasting service. A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmissions.

Broadcasting station. A station in the land mobile service carrying on a service with land mobile stations.

Broadcasting-satellite service. A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public.

NOTE: In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception.

Broadcasting station. A station in the broadcasting service.

Cable Television Relay Service (CARS). A fixed mobile service the stations of which are used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from the point of reception to a terminal point from which the signals are distributed to the public.

Cable Television Relay Service Pickup Station. A land mobile CARS station used for the transmission of television signals and related communications from the scenes of events to cable television studios or headends.

Cable Television Relay Service Station. A fixed or mobile station in the cable television relay service.

Carrier. In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which, when combined with the side bands in a suitable detector, produces the modulating wave.

Carrier frequency. The frequency of the carrier.

Characteristic baseband frequency. In the baseband of a frequency modulated radio transmitter, the frequency at which the value of frequency deviation on the modulation characteristic curve (frequency deviation vs. frequency) is equal to the root-mean-square value of the portion of the curve within the frequency limits of the baseband.

Civil Air Patrol land station. A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol mobile station. A mobile station used exclusively for communications of the Civil Air Patrol.

Coast station. A land station in the maritime mobile service.

Common carrier fixed station. A fixed station open to public correspondence.

Common carrier land station. A land station open to public correspondence.

Common carrier mobile station. A mobile station open to public correspondence.

Community reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennas larger than those used for individual reception, and intended for use:

(a) By a group of the general public at one location, or

(b) Through a distribution system covering a limited area.

Deep space. Space at distances from the earth approximately equal to, or greater than, the distance between the earth and the moon.

Digital Electronic Message Service. A two-way domestic end-to-end fixed radio service utilizing Digital Termination Systems for the exchange of digital information. In addition, this service may make use of point-to-point microwave facilities, satellite facilities or other communications media.

Digital modulation. The process by which some characteristic (frequency, phase, amplitude or combinations thereof) of a carrier frequency is varied in accordance with a digital signal, e.g. one consisting of coded pulses or states.

Digital Termination Nodal Station. A fixed point-to-multipoint radio station in a Digital Termination System providing two-way communication with Digital Termination User Stations.

Digital Termination System. A fixed point-to-multipoint radio system consisting of Digital Termination Nodal Stations and their associated Digital Termination User Stations.

Digital Termination User Station. Any one of the fixed microwave radio stations located at users' premises, lying within the coverage area of a Digital Termination Nodal Station, and providing two-way digital communications with the Digital Termination Nodal Station.

Disaster communications service. A service of fixed, land, and mobile stations licensed or authorized to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunications originating and terminating solely at points within: (a) The State of Alaska, or (b) the State of Hawaii or (c) the contiguous 48 States and the District of Columbia, or (d) a single possession of the United States. Generally, in cases where services is afforded on frequencies above 72 MHz, radiocommunications between the contiguous 48 States (including the District of Columbia) and Canada or Mexico, or radiocommunications between the State of Alaska and Canada, are deemed to be in the domestic fixed public service.

Domestic fixed public station. A fixed station in the domestic fixed public service.

Domestic public readiocommunication services. The land mobile and domestic fixed public services the stations of which are open to public correspondence.

Duplex operation. Operating method in which transmission is possible simultaneously in both directions.

Earth exploration-satellite service. A radiocommunication service between earth stations and one or more space stations in which:

(a) Information relating to the characteristics of the earth and its natural phenomena is obtained from instruments on earth satellites;

(b) Similar information is collected from airborne or earth-based platforms;

(c) Such information may be distributed to earth stations within the system concerned;

(d) Platform interrogation may be included.

Earth station. A station located either on the earth's surface or within the major portion of the earth's atmosphere intended for communication:

(a) With one or more space stations; or

(b) With one or more stations of the same kind by means of one or more passive satellites or other objects in space.

Emergency locator transmitter. A transmitter intended to be manually or automatically activated and operated automatically as part of an aircraft or survival craft station with an A9 emission as a locating aid for survival purposes.

Emergency locator transmitter test station. A land station, operated with an A9 emission on the frequencies used for testing emergency locator transmitters, for testing equipment intended to be used as emergency locator transmitters, or for training in the use of emergency locator transmitters.

Environmental communications. Communications in the maritime mobile service for the broadcast of information pertaining to the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners and hazards to navigation.

Experimental station. A nonamateur station utilizing radio waves in experiments with a view to the development of science or technique.

Experimental station. A station utilizing radio waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

Facsimile. A system of telecommunication for the transmission of fixed images, with or without half-tones, with a view to their reproduction in a permanent form.

Facsimile broadcasting station. A broadcasting station utilizing facsimile primarily.

Fixed earth station. An earth station intended to be used at a specified fixed point.

Fixed public control service. A fixed service carried on for the purpose of transmitting intelligence between transmitting or receiving stations in the public radiocommunication services and the message centers or control points associated therewith.

Fixed service. A service of radiocommunication between specified fixed points.

Fixed-satellite service. A radiocommunication service:

(a) Between earth stations at specified fixed points when one or more satellites are used; in some cases this service includes satellite to satellite links, which may also be effected in the inner-satellite service;

(b) For connection between one or more earth stations at specified fixed points and satellites used for a service other than the fixed-satellite service (for example, the mobile-satellite service, broadcasting-satellite service, etc.).

Fixed station. A station in the fixed service.

Flight test station. An aeronautical station used for the transmission of essential communications in connection with the testing of aircraft or major components of aircraft. The flight test stations are designated as land stations when operating on the frequency 3281 kHz.

FM broadcasting station. A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing F9 emissions.

Geostationary satellite. A satellite, the circular orbit of which lies in the plane of the earth's equator and which turns about the polar axis of the earth in the same direction and with the same period as those of the earth's rotation. The orbit on which a satellite should be placed to be a geostationary satellite is called the "geostationary satellite orbit".

GHz (gigahertz). A unit of frequency equivalent to 1,000 megahertz.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

Hertz. A unit of frequency equivalent to one cycle per second. The terms Hertz (Hz) and cycle(s) per second (c/s) are synonymous and may be used interchangeably.

Individual reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennas.

Industrial radio services. Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently. The radio transmitting facilities of the industrial radio services are defined as fixed, land, mobile or radiolocation stations.

Industrial, scientific and medical equipment (ISM equipment). Devices which use radio waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

Instructional television fixed station. A fixed station operated by an educational organization and used primarily for the transmission of visual and aural instructional, cultural and other types of educational material to one or more fixed receiving locations.

Instrument landing system. A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing.

Instrument landing system glide path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent.

Instrument landing system localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway.

International broadcasting station. A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kHz and 26,100 kHz, whose transmissions are intended to be received directly by the general public in foreign countries.

International control station. A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

International fixed public radio service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 States (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 States (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be in the international fixed public radiocommunication service. Communications solely between Alaska, or any one of the contiguous 48 States (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 MHz.

International fixed public station. A fixed station in the international fixed public radio service.

Inter-satellite service. A radiocommunication service providing links between artificial earth satellites.

Interzone station. A fixed station in the public safety (police) radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

Ionospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the ionization of the ionosphere.

kHz (kilohertz). A unit of frequency equivalent to 1,000 hertz.

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on land.

Land mobile station. A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land station. A station in the mobile service not intended to be used while in motion.

Land transportation radio service. Any private service of radiocommunication essential to the conduct of certain land transportation activities and operated for the use of persons engaged in those activities, the transmitting facilities of which are defined as fixed, land, mobile or radiolocation stations.

Localizer station. A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway centerline.

Loran station. A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

Marine radiobeacon station. A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

Maritime mobile service. A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate.

NOTE: Including use of on-board stations.

Maritime mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

Maritime radionavigation service. A radionavigation service intended for the benefit of ships.

Maritime radionavigation-satellite service. A radionavigation-satellite service in which mobile earth stations are located on board ships.

Marker beacon. A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft.

MHz (megahertz). A unit of frequency equivalent to 1,000 kilohertz.

Meteorological aids service. A radiocommunication service used for meteorological, including hydrological, observations and exploration.

Meteorological-satellite service. An earth exploration-satellite service for meteorological purposes.

Mobile earth station. An earth station intended to be used while in motion or during halts at unspecified points.

Mobile, except television pickup, station. Any mobile station other than a television pickup station.

Mobile service. A service of radio communication between mobile and land stations, or between mobile stations.

Mobile-satellite service. A radiocommunication service:

(a) Between mobile earth stations and one or more space stations; or between space stations used by this service;

(b) Or between mobile earth stations by means of one or more space stations;

(c) And if the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points.

Modulation. The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

Multipoint distribution service. A one-way domestic public radio service rendered on microwave frequencies from a fixed station transmitting (usually in an omnidirectional pattern) to multiple receiving facilities located at fixed points determined by the subscribers.

Omni-directional range station. A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni-bearing) of that station from an aircraft.

Operational fixed station. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation service.

Operational land station. A land station, excluding aeronautical stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

Operational mobile station. A mobile station, excluding aircraft stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

Passive satellite. An earth satellite intended to transmit radiocommunication signals by reflection.

Per-channel deviation. In a frequency modulated radio transmitter, the amount of frequency deviation produced by a standard test tone in a single telephone channel at the characteristic baseband frequency.

Personal radio services. A radiocommunication service of fixed, land, and mobile stations intended for personal or business radiocommunications, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited.

Port operations. Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Boulder, Colo. The operating frequency of all radio stations will be determined by comparison with this standard or through the standard signals of stations of WWV, WWVH, or WWVB of the National Bureau of Standards.

Private aircraft station. An aircraft station on board an aircraft not operated as an air carrier.

Public correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Public safety radio service. Any service of radiocommunication essential either to the discharge of non-Federal governmental functions or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, mobile, or radiolocation stations.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station. A radionavigation land station which employs a racon.

Radar. A radiodetermination system based on comparison of reference signals with radio signals reflected, or retransmitted, from the position to be determined.

Radio. A general term applied to the use of radio waves.

Radio altimeter. A radionavigation equipment on board an aircraft which makes use of the reflection of radio waves from the ground to determine the height of the aircraft above the ground.

Radio astronomy. Astronomy based on the reception of radio waves of cosmic origin.

Radio astronomy service. A service involving the use of radio astronomy.

Radio Astronomy station. A station in the radio astronomy service.

Radiobeacon station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to the radiobeacon station.

Radiocommunication. Telecommunication by means of radio waves.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

Radiodetermination service. A service involving the use of radiodetermination.

Radiodetermination-satellite service. A radiocommunication service involving the use of radiodetermination and the use of one or more space stations.

Radiodetermination station. A station in the radiodetermination service.

Radio direction-finding. Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

Radio direction-finding station. A radiodetermination station using radio direction-finding.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radiolocation land station. A station in the radiolocation service not intended to be used while in motion.

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

Radiolocation service. A radiodetermination service involving the use of radiolocation.

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radionavigation land station. A station in the radionavigation service not intended to be used while in motion.

Radionavigation land test station (MTF). A radionavigation land station (Maintenance Test Facility) in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment, and interrogators at predetermined surface locations. The primary purpose of this facility is to permit maintenance testing by aircraft radio service personnel.

Radionavigation land test station (OTF). A radionavigation land station (Operational Test Facility) in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment, and interrogators at predetermined surface locations. The primary purpose of this facility is to permit the pilot to check a radionavigation system aboard the aircraft prior to takeoff.

Radionavigation mobile station. A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radionavigation-satellite service. A radiodetermination-satellite service used for the same purposes as the radionavigation service; in certain cases this service includes transmission or retransmission of supplementary information necessary for the operation of radionavigation systems.

Radionavigation service. A radiodetermination service involving the use of radionavigation.

Radio range station. A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, and which transmits meteorological data.

Radiosonde station. A station in the meteorological aids service employing a radiosonde.

Radio waves (or Hertzian waves). Electromagnetic waves of frequencies lower than 3000 GHz propagated in space without artificial guide.

Remote pickup broadcast base station. A base station licensed for communicating with remote pickup broadcast mobile stations.

Remote pickup broadcast mobile station. A land mobile station licensed for the transmission of program material and related communications from the scene of events which occur outside a studio to broadcasting station, and for communicating with other remote pickup broadcast base and mobile stations.

Safety service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property on the earth's surface, in the air or in space.

Satellite system. A space system using one or more artificial earth satellites.

Ship station. A mobile station in the maritime mobile service located on board a vessel, other than a survival craft, which is not permanently moored.

Simplex operation. Operating method in which transmission is made possible alternately in each direction, for example, by means of manual control.

Spacecraft. A manmade vehicle which is intended to go beyond the major portion of the earth's atmosphere.

Space operation service. A radiocommunication service concerned exclusively with the operation of spacecraft, in particular tracking, telemetry and telecommand. These functions will normally be provided within the service in which the space station is operating.

Space radiocommunication. Any radiocommunication involving the use of one or more space stations or the use of one or more passive satellites or other objects in space.

Space research service. A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes.

Space station. A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

Space system. Any group of co-operating earth and/or space stations employing space radiocommunication for specific purposes.

Space telecommand. The use of radiocommunication for the transmission of signals to a space station to initiate, modify or terminate functions of the equipment on a space object, including the space station.

Space telemetering. The use of telemetering for the transmission from a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft.

Space tracking. Determination of the orbit, velocity or instantaneous position of an object in space by means of radio determination, excluding primary radar, for the purpose of following the movement of the object.

Standard broadcasting station. A broadcasting station operated on a frequency in the band 535-1605 kHz.

Standard frequency service. A radiocommunication service for scientific technical and other purposes, providing the transmission of specified frequencies of stated high precision, intended for general reception.

Standard frequency-satellite service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency service.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft, or other survival equipment.

Symbol rate. Modulation rate in bands. This rate may be higher than the transmitted bit rate as in the case of coded pulses or lower as in the case of multilevel transmission.

Telecommunication. Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

Telegraphy. A system of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such form. The foregoing definition appears in the International Telecommunication Convention, but, for the purposes of the Commission's rules, telegraphy shall mean, unless otherwise specified. "A system of telecommunication for the transmission of written matter by the use of a signal code."

Telemetering. The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument.

Telemetering fixed station. A fixed station, the emissions of which are used for telemetering.

Telemetering land station. A land station, the emissions of which are used for telemetering.

Telemetering mobile station. A mobile station, the emissions of which are used for telemetering.

Telephony. A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

Television. A system of telecommunication for transmission of transient images of fixed or moving objects.

Television broadcasting station. A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

Television inter-city relay station. A fixed station used for intercity transmission of television program material and related communications for use by television broadcast stations.

Television pickup station. A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

Television STL station (studio-transmitter link). A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

Terrestrial radiocommunication. Any radiocommunication other than space radiocommunication or radio astronomy.

Terrestrial station. A station effecting terrestrial radiocommunication.

Travelers information station. A base station in the Local Government Radio Service used to transmit noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travelers advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest.

Tropospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the physical properties of the troposphere.

Zone station. A fixed station in the public safety (police) radio service using radiotelegraph (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

(Secs. 1, 2, 4, 201-205, 208, 215, 218, 308, 313, 314, 403,404, 410, 602; 48 Stat., as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1084, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 308, 313, 314, 403, 404, 410, 602)

[28 FR 12465, Nov. 22, 1963, as amended at 30 FR 7155, May 28, 1965; 30 FR 8679, July 9, 1965; 30 FR 8839, July 14, 1965; 30 FR 13370, Oct. 21, 1965; 31 FR 14395, Nov. 9, 1966; 33 FR 10856, July 31, 1968; 34 FR 5379, Mar. 19, 1969; 34 FR 5656, Mar. 26, 1969; 35 FR 5615, Apr. 7, 1970; 37 FR 5386, Mar. 15, 1972; 37 FR 8883, May 2, 1972; 38 FR 5565, Mar. 1, 1973; 38 FR 7227, Mar. 19, 1973; 38 FR 12743, May 15, 1973; 38 FR 25180, Sept. 12, 1973; 39 FR 2765, Jan. 24, 1974; 39 FR 28883, Aug. 12, 1974; 39 FR 35664, Oct. 3, 1974; 39 FR 40158, Nov. 14, 1974; 42 FR 8328, Feb. 9, 1977; 42 FR 24055, May 12, 1977; 42 FR 31601; June 22, 1977; 43 FR 41985, Sept. 19, 1978; 46 FR 23449, Apr. 27, 1981]

Subpart B—Allocation, Assignment, and Use of Radio Frequencies

§ 2.100 International regulations in force.

The Radio Regulations (Geneva, 1959), which became effective internationally on May 1, 1961, were incorporated to the extent practicable in Subparts A and B of this part and became effective nationally on December 1, 1961. The Radio Regulations were subsequently revised, in part, by the Extraordinary Administrative Radio Conference (EARC) (Geneva, 1963), again by the EARC (Geneva, 1966), and again by the World Administrative Radio Conference (WARC) (Geneva, 1967). Subparts A and B were amended, as appropriate, to reflect those partial revisions. The Radio Regulations were again revised, in part, by the WARC (Geneva, 1971), which specified January 1, 1973, as the effective date of the revision. This last partial revision has also been incorporated, to the extent practicable, in Subparts A and B of this part and is applicable nationally, effective January 1, 1973.

[38 FR 5566, Mar. 1, 1973]

§ 2.101 Nomenclature of frequencies.

Band No.	Frequency subdivision	Frequency range
4	VLF (very low frequency)	Below 30 kHz.
5	LF (low frequency)	30 to 300 kHz.
6	MF (medium frequency)	300 to 3000 kHz.
7	HF (high frequency)	3 to 30 MHz.
8	VHF (very high frequency)	30 to 300 MHz.
9	UHF (ultra high frequency)	300 to 3000 MHz.
10	SHF (super high frequency)	3 to 30 GHz.
11	EHF (extremely high frequency).	30 to 300 GHz.

[35 FR 5616, Apr. 7, 1970]

§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kHz and 90 GHz, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in § 2.106.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rulemaking proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the table of frequency allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization. Such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station for the development of techniques of equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of these services shared with another service.

(4) Experimental stations engaged in communications essential to research projects when existing communication facilities are inadequate may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of those services shared with another service.

(5) Experimental stations engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies may be authorized the use of any band or bands or frequencies not allocated, on an exclusive or shared basis, to the radio astronomy service.

(6) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency which is not in a band allocated, on an exclusive or shared basis, to the radio astronomy service.

(7) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service or the radio astronomy service.

(8) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

(9) Assignments made pursuant to the Land Mobile Spectrum Management program in the Chicago region.

(c) The use of frequencies in the bands above 25 MHz allocated exclusively to Government stations and the use of frequencies below 25 MHz which may not be in accordance with § 2.106 may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(d) Aircraft stations may communicate with stations of the maritime mobile service. They shall then conform to those provisions of the Radio Regulations which relate to the maritime mobile service. For this purpose aircraft stations should use the frequencies allocated to the maritime mobile service. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 MHz shall not be used by aircraft stations in any specific area without the prior agreement of all administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region 1 should not use frequencies in the bands above 30 MHz allocated to the maritime mobile service by virtue of any agreement between administrations in that region.

(e) Non-Government services operating on frequencies in the band 25-50 MHz must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(f) The stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to the service to which the frequency bands immediately adjoining are allocated.

(g) In the bands above 25 MHz which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such stations are authorized in the service shown in Column 11 of the Table of Frequency Allocations in the band in question;

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

[28 FR 12465, Nov. 22, 1963, as amended at 30 FR 7156, May 28, 1965; 34 FR 12138, July 19, 1969; 35 FR 5616, Apr. 7, 1970; 37 FR 28422, Dec. 23, 1972; 38 FR 12744, May 15, 1973]

§ 2.103 Government use of non-Government frequencies.

(a) Government stations may be authorized to use non-Government frequencies in the bands above 25 MHz if the Commission finds that such use is necessary for coordination of Government and non-Government activities: *Provided, however,* That:

(1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the Office of Telecommunications Policy (the more important of which are contained in paragraphs (a)(2), (3), and (4) of this section).

(2) Such operations shall be in accordance with Commission rules governing the service to which the frequencies involved are allocated;

(3) Such operations shall not cause harmful interference to non-Government stations and, should harmful interference result, that the interfering Government operation shall immediately terminate; and

(4) Government operation has been certified as necessary by the non-Government licensees involved and this certification has been furnished, in writing, to the Government agency with which communications is required.

[28 FR 12465, Nov. 22, 1963, as amended at 35 FR 5616, Apr. 7, 1970; 40 FR 17256, Apr. 18, 1975]

§ 2.104 Radio astronomy station notification.

(a) Pursuant to No. 639AC, Article 9A and Section F of Appendix 1A to the international Radio Regulations (as revised, Geneva, 1963), operators of radio astronomy stations desiring international recognition of their use of specific radio astronomy frequencies or bands of frequencies for reception, should file the following information with the Commission for inclusion in the Master International Frequency Register:

(1) The center of the frequency band observed, in kilohertz up to 30,000 kHz inclusive, and in Megahertz above 30,000 kHz.

(2) Date of putting into use (actual or foreseen, as appropriate).

(3) Name and location of the station, including geographical co-ordinates in degrees and minutes.

(4) Width of frequency band observed by the station.

(5) Antenna type and dimensions, effective area and angular coverage in azimuth and elevation.

(6) Maximum hours of reception (G.M.T.) of the frequency band shown in paragraph (a)(1) of this section.

(7) Overall receiving system noise temperature (°K).

(8) Class of observations to be taken on the frequency band shown in paragraph (a)(1) of this section. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.

(b) Observations being conducted on frequencies or frequency bands not allocated to the radio astronomy service should be reported as in paragraph (a) of this section for information purposes. Information in this category will not be submitted for entry in the Master International Frequency Register and protection from interference will not be afforded such operations by stations in other services.

[30 FR 7156, May 28, 1965, as amended at 35 FR 5616, Apr. 7, 1970]

§ 2.105 Application and format of the Table of Frequency Allocations.

(a) In the Table of Frequency Allocations below 25 MHz, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical fixed.

(2) Fixed (in U.S. possessions and Alaska).

(3) International fixed public.

(b) In the Table of Frequency Allocations between 5000 and 25,000 kHz, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical mobile.

(2) Maritime mobile.

(c) Columns 1, 2, 3, and 4 of the Table of Frequency Allocations indicate the allocation applicable on a worldwide basis or in Region 2 in accordance with the Geneva Radio Regulations.

(d) In Column 6 (above 25 MHz) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

(e) Column 10 lists certain frequencies which have national or international significance and are used for specific standardized purposes. These frequencies may be made available for assignment to stations which conform to the nature of service or station listed in Column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in Column 10 is limited to those stations which, by definition, are included in the services and classes of stations (Column 8 or 9) to which the frequency band (Column 7) is allocated.

(f) In Column 11 "SERVICES" are in large block print and "stations" in small print.

(g) Where, in Columns 2, 4, and 8, a band is indicated as allocated to more than one service, such services are listed in the following order:

(1) Services, the names of which are printed in all capital letters (example: FIXED); these services are called "primary" services;

(2) Services, the names of which are italicized and are printed with the first letter capitalized and all others small type (example: *Radionavigation*); these services are called "permitted" services;

(3) Services, the names of which are printed as in paragraph (g)(2) of this section, but not italicized (Example: Mobile); these are called "secondary" services, which are on a noninterference basis to the primary and permitted services.

NOTE 1. Geneva Radio Regulation No. 138: Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary service, as compared with the permitted service, shall have prior choice of frequencies.

NOTE 2. Geneva Radio Regulation No. 139: Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(h) The following symbols are used to designate footnotes in the Table of Frequency Allocations.

(1) Any footnote consisting of three digits or three digits and a one or two letter suffix, e.g., (170) or (215A), denotes a paragraph in the Geneva (1959) Radio Regulations as amended by the Space Conference (Geneva, 1963). Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3 or 4.

(2) Any footnote consisting of the letters US followed by one or more digits, e.g., US1, denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies.

(3) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, is a stipulation applicable to non-Government stations.

[28 FR 12466, Nov. 22, 1963, as amended at 30 FR 7156, May 28, 1965; 35 FR 5616, Apr. 7, 1970]

§ 2.106 Table of Frequency Allocations.

TABLE OF FREQUENCY ALLOCATIONS

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
Below 10 (157)	(Not allocated).			Below 10	(Not allocated).	Below 10	(Not allocated).			
10-14	RADIONAVIGATION. Radiolocation.					10-14	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.
14-19.95 (159)	FIXED. MARITIME MOBILE. (158)					14-19.95	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
19.95-20.05 (159)	STANDARD FREQUENCY. (160)					19.95-20.05	STANDARD FREQUENCY.	Standard frequency.	20	Standard frequency.
20.05-70 (159) (161)	FIXED. MARITIME MOBILE. (158)					20.05-59	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
						59-61	STANDARD FREQUENCY.	Standard frequency.	60	Standard frequency.
						61-70	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
70-90 (161)		70-90 (164)	FIXED. MARITIME MOBILE. (158) MARITIME RADIONAVIGATION. (162) Radiolocation.			70-90	FIXED. Radiolocation.	Fixed. Radiologication land. Radiolocation mobile.		INTERNATIONAL FIXED PUBLIC. RADIOLOCATION.
90-110		90-110 (166) (167)	RADIONAVIGATION. FIXED. Maritime mobile.			90-110 (166) (US18) (US104)	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.
110-130		110-130 (164) (167) (168)	FIXED. MARITIME MOBILE. MARITIME RADIONAVIGA-			110-130	FIXED. MARITIME MOBILE. Radiolocation.	Coast. Fixed. Radiolocation land. Radiolocation mobile.	Ship.	FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Radiolocation mobile.

			TION. (162) Radiolocation.							MARITIME RADIOLOCATION.
130–160		130–160 (167)	FIXED. MARITIME MOBILE.			130–160	FIXED MARITIME MOBILE.	Coast. Fixed. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
160–200		160–200	FIXED. (179)			160–190	FIXED.	Fixed.		FIXED (in Alaska) INTERNATIONAL FIXED PUBLIC.
200–285		200–285	AERONAUTICAL RADIONAVIGATION Aeronautical mobile.			190–200	AERONAUTICAL RADIONAVIGATION. (US 226)	Radionavigation land.		AERONAUTICAL RADIO NAVIGATION.
						200–275	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
						275–285	AERONAUTICAL RADIONAVIGATION. MARITIME RADIONAVIGATION. (Radiobeacons). (US18) Aeronautical mobile.			AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION MARITIME RADIONAVIGATION.
285–315	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.					285–325	MARITIME RADIONAVIGATION. (US18)	Radionavigation land.		MARITIME RADIONAVIGATION.
315–325		315–325	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.			325–335	AERONAUTICAL RADIONAVIGATION.			

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
							Maritime radionavigation (radiobeacons). (US18) Aeronautical mobile.			AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION. MARITIME RADIONAVIGATION.
325-405	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile. (181)					335-405	AERONAUTICAL RADIO NAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIO NAVIGATION.
405–415 (182)		405–415	MARITIME RADIO NAVIGATION (radio direction-finding). *Aeronautical radionavigation.* Aeronautical mobile.			405–415 (US18)	MARITIME RADIONAVIGATION (radio direction-finding). Aeronautical radionavigation. Aeronautical mobile. (US19)	Aeronautical Aircraft. Radionavigation land. Radionavigation	410	Radio direction-finding.
415–490	MARITIME MOBILE. (185) (186)					415–490	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telegraphy).
490–510 (187)	MOBILE (distress and calling).					490–510	MOBILE.	Coast. Mobile.	500	Distress and calling.
510–525 (185)		510–525	MOBILE. *Aeronautical radio navigation.* (188)			510–525 (US14) (US225)	AERONAUTICAL RADIONAVIGATION. Maritime radio navigation (Radionaviga-	Radionavigation land.		AERONAUTICAL RADIONAVIGATION. MARITIME RADIONAVIGATION.

525-535		525-535	MOBILE. *Broadcasting* (191) *Aeronautical radionavigation.* (188)
535-1605	BROADCASTING.		
1605-1800		1605-1800	FIXED. MOBILE. AERONAUTICAL RADIONAVIGATION. Radiolocation.

	tion). (US18)			
525-535 (US14) (US221)			530	Travelers information.
535-1605 (US15) (NG16)	BROADCASTING.			Standard broadcasting.
190-200	AERONAUTICAL RADIONAVIGATION. (US 226)	Radionavigation land.		AERONAUTICAL RADIONAVIGATION.
1605-1715 (US97) (US221)	AERONAUTICAL RADIONAVIGATION. FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Fixed. Land mobile. Radionavigation land. Radiolocation. Coast. Ship.		AERONAUTICAL FIXED. AERONAUTICAL RADIONAVIGATION. FIXED (in Alaska). INDUSTRIAL INTERNATIONAL FIXED PUBLIC. MARINE MOBILE. PUBLIC SAFETY. RADIOLOCATION. Remote pickup broadcast base. Remote pickup broadcast mobile.
			1610	Travelers information.
			1638	Radionavigation land.
			1708	Do.
1715-1750	FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Mobile. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
										RADIOLOCATION.
						1750–1800 (NG14)	FIXED. MOBILE. RADIOLOCATION.	Fixed. Land. Mobile.		DISASTER. RADIOLOCATION.
1800–2000		1800–2000 (198)	AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIONAVIGATION.			1800–2000 (198) (US18)	RADIONAVIGATION. Amateur. (NG15)	Amateur. Loran.		AMATEUR. Loran.
2000–2065		2000–2065	FIXED. MOBILE.			2000–2035	MARITIME MOBILE. (NG19)	Coast. Ship.		MARITIME MOBILE.
						2035–2065	MARITIME MOBILE.	Coast.		Coast (telegraphy).
2065–2107		2065–2107	MARITIME MOBILE. (200)			2065–2068.5 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telephony).
						2068.5–2078.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
						2078.5–2089.5 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telephony).
						2089.5–2092.5	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
						2092.5–2107 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE.
2107–2170		2107–2170	FIXED.			2107–2170	FIXED.	Base.		AERONAUTICAL

			MOBILE.				LAND MOBILE. MARITIME MOBILE. (NG19)	Coast. Fixed. Land mobile. Ship.		FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2170–2194	MOBILE (distress and calling). (201) (201A)					2170–2173.5	MARITIME MOBILE.	Ship.		MARITIME MOBILE.
						2173.5–2190.5 (US113)	MOBILE.	Aircraft. Coast. Ship. Survival craft.	2182	AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (Telephony). (NG22) Distress and calling frequency.
						2190.5–2194	MARITIME MOBILE.	Ship.		MARITIME MOBILE.
2194–2300		2194–2300	FIXED. MOBILE.			2194–2495	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2300–2495		2300–2495	FIXED. MOBILE. BROADCASTING. (202)							
2495–2505		2495–2505 (203A)	STANDARD FREQUENCY.			2495–2505	STANDARD FREQUENCY.	Standard frequency.	2500	Standard frequency.
2505–2625		2505–2625	FIXED. MOBILE.			2505–2850 (NG20)	FIXED. LAND MOBILE. MARITIME	Base. Coast. Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska).

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
							MOBILE.	Land mobile. Ship.		INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
2625-2850		2625-2850	FIXED. MOBILE.						2638 2738 2804 2808 2812	Intership (telephony). (NG44). Do. PUBLIC SAFETY. Zone and Interzone Police. Do. Do.
2850-3025	AERONAUTICAL MOBILE. (R)(201A)					2850-3025 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3025-3155	AERONAUTICAL MOBILE. (OR)					3025-3155	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3155-3200	FIXED. MOBILE except aeronautical (R) mobile.					3155-3200	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska and Puerto Rico). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3200-3230	FIXED. MOBILE except aeronautical mobile. (R) BROADCASTING (202)					3200-3230 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC.

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										MARITIME. PUBLIC SAFETY.
3230–3400	FIXED MOBILE except aeronautical mobile. BROADCASTING (202)					3230–3240 (US105)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska) INDUSTRIAL INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
						3240–3400 (US105)	FIXED. LAND MOBILE. MARITIME. MOBILE. MOBILE.	Base. Coast. Fixed. Land Land mobile. Mobile. Ship.		AVIATION (flight test and aeronautical fixed only). FIXED (in Alaska). INDUSTRIAL INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3400–3500	AERONAUTICAL MOBILE. (R)					3400–3500 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3500–4000		3500–4000	AMATEUR FIXED. MOBILE except aeronautical mobile. (R)			3500–4000	AMATEUR.	Amateur.		AMATEUR.
4000–4063	FIXED.					4000–4063	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4063–4068	MARITIME MOBILE. (206) (209)					4063–4143.6	MARITIME MOBILE.	Ship.		Ship (telephony, duplex).
						4143.6 4146.6 (US82)	MARITIME MOBILE.	Ship. Coast	4145	Ship. Coast (telephony, simplex).
						4146.6 4162.5	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
										and special transmission systems).
						4162.5–4166	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (Oceanographic data transmission).
						4166–4170	MARITIME MOBILE.	Ship.	4168	Ship (wide-band telegraphy, facsimile and special transmission systems).
						4170–4177.25	MARITIME MOBILE.	Ship.		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						4177.25–4179.75	MARITIME MOBILE.	Ship.		Ship (non-pared, narrow-band direct-printing telegraph and data transmission system, at

										speeds not exceeding 100 bauds).
						4179.75–4187.2–	MARITIME MOBILE.	Ship.		Ship (calling, A1 Morse telegraphy).
						4187.2–4188	MARITIME MOBILE.	Ship.	4187.6	Ship (digital selective calling).
						4188–4219.4	MARITIME MOBILE.	Ship.		Ship (working, A1 Morse telegraphy).
						4219.4–4349.4	MARITIME MOBILE.	Coast.		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission system and direct-printing telegraphy systems).
						4349.4 4356.75	MARITIME MOBILE.	Coast.		Coast (paired, narrow-band direct-printing telegraph and data transmissions systems, at speeds not exceeding 100 bauds).
						4356.75,–4357.4	MARITIME MOBILE.	Coast.	4357	Coast (digital selective calling).
						4357.4–4438	MARITIME MOBILE.	Coast.		Coast (telephony, duplex).
4438–4650		4438–4650	FIXED. MOBILE except aeronautical mobile. (R)			4438–4650	FIXED. MOBILE.	Base. Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL.

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
										INTERNATIONAL FIXED PUBLIC.
4650-4700	AERONAUTICAL MOBILE. (R)					4650-4700 (NG80) (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4700-4750	AERONAUTICAL MOBILE. (R)					4700-4750	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE. (R)
4750-4850		4750-4850	FIXED. BROADCASTING. (202)			4750-4995	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4850-4995	FIXED. LAND MOBILE. BROADCASTING. (202)									
4995-5005	STANDARD FREQUENCY. (203A) (210)					4995-5005	STANDARD FREQUENCY.	Standard frequency.	5000	Standard frequency.
5005-5060	FIXED. BROADCASTING. (202)					5005-5450	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska).
5060-5250	FIXED.									INTERNATIONAL FIXED PUBLIC.
5250-5450		5250-5450	FIXED. LAND MOBILE.							Zone and Interzone Police.
5450-5480		5450-5480	AERONAUTICAL MOBILE. (R)			5450-5480 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5480-5680	AERONAUTICAL MOBILE. (R) (201A)									
5680-5730	AERONAUTICAL					5680-5730	AERONAUTICAL	Aeronautical.		AERONAUTICAL

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	MOBILE. (OR) (201A)
5730–5950	FIXED.

	MOBILE. (OR)	Aircraft.		MOBILE.
5730–5950	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
6200–6218.6–	MARITIME MOBILE.	Ship.		Ship (telephony, duplex).
6218.6–6224.6 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast, (telephony, simplex).
6224.6–6244.5	MARITIME MOBILE.	Ship.		Ship (side-band telegraphy, facsimile and special transmission systems).
6244.5–6248	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (oceanographic data transmission).
6248–6256	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile and special transmission systems).
6256–6267.75	MARITIME MOBILE.	Ship.		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
6267.75–	MARITIME	Ship.		Ship (non-paired,

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
						6269.75	MOBILE.			narrow-band direct printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						6269.75-6280.8	MARITIME MOBILE.	Ship.		Ship (calling, A1 Morse telegraphy).
						6280.8-6282	MARITIME MOBILE.	Ship.	6281.4	Ship (digital selective calling).
						6282-6325.4	MARITIME MOBILE.	Ship.		Ship (working, A1 Morse telegraphy).
						6325.4-6493.9	MARITIME MOBILE.	Coast.		Coast (wide-band and, A1 Morse telegraphy facsimile, special and data transmission systems and direct-printing telegraphy system). (NG27)
						6493.9-6505.75	MARITIME MOBILE.	Coast.		Coast (paired, narrow-band direct-printing telegraph and data transmission system,

										at speeds not exceeding 100 bauds).
						6505.75–6506.4	MARITIME MOBILE.	Coast.	6506	Coast (digital selective calling).
						6506.4 6525	MARITIME MOBILE.	Coast		Coast (telephony, duplex)
6525–6685	AERONAUTICAL MOBILE. (R)					6525–6685 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6685–6765	AERONAUTICAL MOBILE. (OR)					6685–6765	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6765–7000	FIXED.					6765–7000	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
7000–7100	AMATEUR. AMATEUR-SATELLITE.					7000–7100	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE. (NG62)
7100–7300		7100–7300	AMATEUR.			7100–7300	AMATEUR.	Amateur.		AMATEUR. (NG26)
7300–8195	FIXED.					7300–8195	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
8195–8815	MARITIME MOBILE. (201A) (213)					8195–8291.1	MARITIME MOBILE.	Ship.		Ship (telephony, duplex.)
						8291.1–8297.3 (U.S. 82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony simplex).
						8297.3–8300	MARITIME MOBILE.	Ship.		Ship (non-paired narrow-band direct-printing telegraph and data trans-

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
										mission systems, at speeds not exceeding 100 bauds).
						8300–8328	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile and special transmission systems).
						8328–8331.5	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. interrogating Coast (oceanographic). data transmission).
						8331.5–8343.5	MARTIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile and special transmission systems).
						8343.5–8357.25	MARITIME MOBILE.	Ship.		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						8357.25–8357.75	MARITIME MOBILE.	Ship.	8357.5	Ship (non-paired, narrow-band direct-printing telegraph and

				data transmission systems, at speeds not exceeding 100 bauds).
8357.75–8359.75	MARITIME MOBILE.	Ship.		Ship (Working, A1 Morse telegraphy).
8359.75–8374.4	MARITIME MOBILE.	Ship.		Ship (calling, A1 Morse telegraphy).
8374.4–8376	MARITIME MOBILE.	Ship.	8375.2	Ship (digital selective calling).
8376–8435.4	MARITIME MOBILE.	Ship.		Ship (working, A1 Morse telegraphy).
8435.4–8704.4	MARITIME MOBILE.	Coast.		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
8704.4–8718.25	MARITIME MOBILE.	Coast.		Coast (paired, narrow band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8718.25–8718.9	MARITIME MOBILE.	Coast.	8718.5	Coast (digital selective calling).
8718.9–8815	MARITIME MOBILE.	Coast.		Coast (telephony, duplex).

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
8815–8965	AERONAUTICAL MOBILE. (R)					8815–8965	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
8965–9040	AERONAUTICAL MOBILE. (OR)					8965–9040	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
9040–9500	FIXED.					9040–9500	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
9500–9775	BROADCASTING.					9500–9775	BROADCASTING.	International broadcasting.		International broadcasting.
9775–9995	FIXED.					9775–9995	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
9995–10005	STANDARD FREQUENCY. (201A) (203A) (214)					9995–10005 (US204)	STANDARD FREQUENCY.	Standard frequency.	10000	Standard frequency.
10005–10100	AERONAUTICAL MOBILE. (R (201A)					10005–10100 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical Aircraft.		AERONAUTICAL MOBILE.
10100–11175	FIXED.					10100–11175	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11175–11275	AERONAUTICAL MOBILE. (OR)					11175–11275	AERONAUTICAL. MOBILE. (OR)	Aeronautical Aircraft.		AERONAUTICAL MOBILE.
11275–11400	AERONAUTICAL MOBILE. (R)					11275–11400 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11400–11700	FIXED. (216)					11400–11700	FIXED.	Fixed.		AERONAUTICAL FIXED.

										INTERNATIONAL FIXED PUBLIC.
11700–11975	BROADCASTING.					11700–11975	BROADCASTING.	International broadcasting.		International broadcasting.
11975–12330	FIXED.					11975–12330	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
12330–13200	MARITIME MOBILE. (213)					12330–12429.2	MARITIME MOBILE.	Ship.		Ship (telephony, duplex).
						12429.2–12439.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast, (telephony, simplex).
						12439.5–12479.5	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy facsimile and special transmission systems).
						12479.5–12483	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast (oceanographic data transmission).
						12483–12491	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile and special transmission system).
						12491–12519.75	MARITIME MOBILE.	Ship.		Ship (paired, narrow-band direct-Printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						12519.75–12526.75	MARITIME MOBILE.	Ship.		Ship (nonpaired, narrow-band direct-

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
										printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						12526.75–12539.6	MARITIME MOBILE.	Ship.		Ship (working, Al Morse telegraphy).
						12539.6–12561.6	MARITIME MOBILE.	Ship.		Ship (calling, Al Morse telegraphy).
						12561.6–12564	MARITIME MOBILE.	Ship.	12562.3 12562.8	Ship (digital selective calling).
						12564–12652.3	MARITIME MOBILE.	Ship.		Ship (working, Al Morse telegraphy).
						12652.3–13070.8	MARITIME MOBILE.	Coast.		Coast (wide-band and Al Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
						13070.8–13099.75	MARITIME MOBILE.	Coast.		Coast (paired, narrow-band direct-printing telegraph and data transmission systerms, at speeds

										not exceeding 100 bauds).
						13099.75–13100.8	MARITIME MOBILE.	Coast.	13100 13100.5	Coast (digital selective calling).
						13100.8–13200	MARITIME MOBILE.	Coast.		Coast (telephony, duplex).
13200–13260	AERONAUTICAL MOBILE. (OR)					13200–13260	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
13260–13360	AERONAUTICAL MOBILE. (R)					13260–13360 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
13360–14000 (217)	FIXED.					13360–14000 (217)	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
									13560	Industrial, scientific and medical equipment.
1400–14250	AMATEUR. AMATEUR-SATELLITE.					14000–14250	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
14250–14350	AMATEUR. (218)					14250–14350	AMATEUR.	Amateur.		AMATEUR.
14350–14990	FIXED.					14350–14990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
14990–15010	STANDARD FREQUENCY. (201A) (203A) (219)					14990–15010 (US205)	STANDARD FREQUENCY.	Standard frequency.	15000	Standard frequency.
15010–15100	AERONAUTICAL MOBILE. (OR)					15010–15100	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
15100–15450	BROADCASTING.					15100–15450	BROADCASTING.	International broadcasting.		International broadcasting.
15450–16460	FIXED.					15450–16460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
16460–17360	MARITIME MOBILE.					16460–16587.1(213)	MARITIME MOBILE.	Ship.		Ship (telephony, duplex).

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
						16587.1-16596.4 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony, simplex).
						16596.4-16636.5	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile and special transmission systems).
						16636.5-16640	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast (oceanographic data (transmission).
						16640-16660	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile and special transmission systems).
						16660-16694.75	MARITIME MOBILE.	Ship.		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						16694.75-	MARITIME	Ship.		Ship (non-paired,

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					16705.8	MOBILE.			narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
					16705.8–16719.8	MARITIME MOBILE.	Ship.		Ship (working, Al Morse telegraphy).
					16719.8–16478.8	MARITIME MOBILE.	Ship.		Ship (calling, Al Morse telegraphy).
					16748.8–16752	MARITIME MOBILE.	Ship.	16479.9 16750.4	Ship (digital selective calling).
					16752–16859.4	MARITIME MOBILE.	Ship.		Ship (working, Al Morse telegraphy).
					16859.4–17196.9	MARITIME MOBILE.	Coast		Coast (wide-band and Al Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
					17196.9–17231.75	MARITIME MOBILE.	Coast.		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
					17231.75–17232.9	MARITIME MOBILE.	Coast.	17232 17232.5	Coast (digital selective calling).

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
						17232.9–17360	MARITIME MOBILE.	Coast.		Coast (telephony, duplex).
17360–17700	FIXED.					17360–17700	FIXED	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
17700–17900	BROADCASTING.					17700–17900	BROADCASTING	International broadcasting.		International broadcasting.
17900–17970	AERONAUTICAL MOBILE. (R)					17900–17970 (NG61)	AERONAUTICAL MOBILE, (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
17970–18030	AERONAUTICAL MOBILE. (OR)					17970–18030	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
18030–18052	FIXED.					18030–19990	FIXED.	Fixed.		AERONAUTICAL FIXED.
18052–18068	FIXED. Space research.									INTERNATIONAL FIXED PUBLIC.
18068–19990	FIXED									
19990–20010	STANDARD FREQUENCY (201A) (203A) (220)					19990–20010 (US204)	STANDARD FREQUENCY.	Standard frequency	20000	Standard frequency.
20010–21000	FIXED.					20010–21000	FIXED.	Fixed.		AERONAUTICAL FIXED INTERNATIONAL FIXED PUBLIC
21000–21450	AMATEUR. AMATEUR-SATELLITE.					21000–21450	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
21450–21750	BROADCASTING.					21450–21750	BROADCASTING.	International broadcasting.		International broadcasting.
21750–21850	FIXED.					21750–21850	FIXED.	Fixed.		AERONAUTICAL FIXED.

										INTERNATIONAL FIXED PUBLIC.
21850-21870	RADIO ASTRONOMY. (221B)					21850-21870 (US74)	RADIO ASTRONOMY.	Radio astronomy.		RADIO ASTRONOMY.
21870-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)					21870-22000	AERONAUTICAL FIXED AERONAUTICAL MOBILE. (R)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED- AERONAUTICAL MOBILE.
22000-22720	MARITIME MOBILE					22000-22124	MARITIME MOBILE.	Ship.		Ship (telephony, duplex).
						22124-22139.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast (telephony, simplex).
						22139.5-22160.5	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, fassimile and special transmission system).
						22160.5-22164	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship Buoy. Interrogating Coast (oceanographic data transmission).
						22164-22192	MARITIME MOBILE.	Ship.		Ship (wide-band teleggraphy, facsimile and special transmission systems).
						22192-22225.75	MARITIME MOBILE.	Ship.		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						22225.75-	MARITIME	Ship.		Ship (non-paired.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)—Col. 1	Service—Col. 2	Band (kHz)—Col. 3	Service—Col. 4	Band (kHz)—Col. 5	Allocation—Col. 6	Band (kHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (kHz)—Col. 10	Nature of Services of stations—Col. 11
						22227	MOBILE.			narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
						22227-22247	MARITIME MOBILE.	Ship.		Ship (calling, A1 Morse telegraphy).
						22247-22250	MARITIME MOBILE.	Ship	2248 22248.5	Ship (digital selective calling).
						22250-22310.5	MARITIME MOBILE.	Ship.		Ship (working, A1 Morse telegraphy).
						22310.5-22561	MARITIME MOBILE.	Coast.		Coast (wide-band and Al Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
						22561-22594.75	MARITIME MOBILE.	Coast.		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds

....										not exceeding 100 bauds).
						22594.75–22596	MARITIME MOBILE.	Coast.	22595 22595.5	Coast (digital selective calling).
						22596–22720	MARITIME MOBILE.	Coast.		Coast (telephony, duplex).
22720–23200	FIXED.					22720–23200	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
23200–23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)					23200–23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
23350–24990	FIXED. LAND MOBILE. (222) (222A)					23350–24990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.

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TABLE OF FREQUENCY ALLOCATIONS

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
24.99-25.01	STANDARD FREQUENCY. (203A) (223)			24.99-25.01	G, NG.	24.99-25.01	STANDARD FREQUENCY.	Standard frequency.	25.0	Standard frequency.
25.01-25.07	FIXED. MOBILE (except aeronautical mobile.)			25.01-25.33	NG.	25.01-25.07	LAND MOBILE.	Base. Land mobile.	25.02-25.06 (N G32)	INDUSTRIAL.
25.07-25.11	MARITIME MOBILE. (224)					25.07-25.76	MARITIME MOBILE.	Ship.		Ship (calling, Al Morse telegraphy).
25.11-25.6 25.6-26.1	FIXED. MOBILE (except aeronautical mobile.) BROADCASTING					25.76-25.0901	MARITIME MOBILE.	Ship.		Ship (non-paired. narrow-band direct-printing telegraph and oata trans-s mission systems, at speedsnot exceeding100 bauds).
26.1-27.5 (225) (226)	FIXED. MOBILE (except aeronautical mobile.)					25.0901-25.11	MARITIME MOBILE.	Ship.		Ship (working, A1 Morse telegraphy).
				25.33-25.6	G.	25.11-2[illegible]3	LAND MOBILE	Base. Land mobile.	25.12-25.32 (N G32)	INDUSTRIAL.
				25.6-26.1	G, NG.	25.6-26.1 (US25)	BROADCASTING.	International broadcasting.		International broadcasting.
				26.1-26.48	NG.	26.1-26.48	LAND MOBILE.	Base. Land mobile.	26.11-26.47 (NG32)	Remote pickup broadcast base; remote pickup broadcast mobile.

				26.48-26.95 (US10)	G.				26.62	Civil air patrol land; civil air patrol mobile.
						26.95-26.96	FIXED.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
						26.96-27.23 (225) (US1)	PERSONAL.	Fixed. Land mobile.	27.12	Industrial, scientific and medical equipment.
						27.23-27.28 (225)	PERSONAL: FIXED. MOBILE.	Fixed. Land mobile.		PERSONAL. PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						27.28-27.41	PERSONAL. LAND MOBILE.	Base. Land mobile.		PERSONAL. INDUSTRIAL.
						27.41-27.54	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
27.5-28		27.5-28	METEROLOGICAL AIDS. FIXED. MOBILE.	27.54-28	G.					
28.0-29.7	AMATEUR. AMATEUR-SATELLITE.			28.0-29.7	AMATEUR- AMATEUR SATELLITE (US1)	28.0-29.7	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
29.7-30.005	FIXED, (228)(239) (231)(232) MOBILE.			29.7-92.89	NG.	29.7-29.8	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						29.8-29.89	FIXED. (232)	Fixed.	29.81-29.88 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				29.89-29.91 (232)	G.					
				29.91-30	NG.	29.91-30	FIXED. (232)	Fixed.	29.92-29.99 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
30.005	FIXED. (228)(229)			30-30.56	G.					

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
30.01	(231) MOBILE. SPACE OPERATION (Satellite identification). SPACE RESEARCH.				(US94)					
30.01-37.75	FIXED. (228)(229)(230)(231) MOBILE. (233A)			30.56-32	NG. (NG-124)	30.56-32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY.
				32-33 (231)	G.					
				33-34	NG.	33-33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
					(NG-124)	33.01-33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						33.11-33.41	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						33.41-34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				34-35 (231)	G.					
				35-36	NG.	35-35.19	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						35.19-35.69	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC INDUSTRIAL. PUBLIC SAFETY.
						35.69-36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				36-37 (US 220)	G. (US220)					

				(231)						
				37-38	NG.	37-37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
					(NG-124)	37.01-37.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
37.75-38.25	FIXED. (228) (229) (231) MOBILE. Radio astronomy. (233B)					37.43-37.89	LAND MOBILE. (NG59)	Base. Land mobile.		INDUSTRIAL.
						37.89-38	LAND MOBILE	Base. Land Mobile.		PUBLIC SAFETY.
38.25-41 (235) (236) (236A)	FIXED. (228) (229) (230) (231) MOBILE.			38-39	G. (US81)					
				39-40 (236)	NG. (US94)	39-40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				40-42 (236)	G. (US94) (US210) (US210) (220)				40.68	Industrial, scientific and medical equipment
41-50		41-50	FIXED. (228) (231) (237) MOBILE. (233A) (236A)							
				42-46.6	NG. (NG-124)	42-42.95	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						42.95-43.19	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						43.19-43.69	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. INDUSTRIAL PUBLIC SAFETY.
						43.69-44.61	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION
						44.61-46.6	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				46.6-47	G.					
				47-49.6	NG. (NG-124)	47-47.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
						47.43–47.69	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL.
						47.69–49.6	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				49.6–50	G.					
50–54		50–54	AMATEUR.	50.54	AMATEUR. (US1)	50–51	AMATEUR.	Amateur.		AMATEUR.
54–68		54–68	FIXED. (228)(237) MOBILE. BROADCASTING.	54–72	NG.	54–72	BROADCASTING.	Television broadcasting.	55.25 59.75 61.25	Video Channel 2. Sound Video
68.73.0		68.73.0	FIXED. MOBILE. BROADCASTING.						65.75 67.25 71.75	Sound Channel 3. Video Sound Channel 4.
				72–73 (US20)	NG.	72–73 (NG56)	FIXED. (GH1) (NG3) (NG49)	Operational fixed.	72.02–72.98 (NG32)	Operational fixed
73–74.6		73–74.6	RADIO ASTRONOMY. (253A)(253B)	73–74.6	G, NG. (US1) (US100)	73–74.6	RADIO ASTRONOMY. (US74)	Radio astronomy.		RADIO ASTRONOMY.
74.6–75.4		74.6–75.4 (259)	AERONAUTICAL RADIONAVIGATION.	74.6–75.4	G, NG.	74.6–75.4	AERONAUTICAL RADIONAVIGATION.	Aeronautical radio navigation.	75	Marker beacon.
75.4–88		75.4–88	FIXED. MOBILE. BROADCASTING.	75.4–76 (US20)	NG.	75.4–76 (NG56)	FIXED. (NG1) (NG3) (NG49)	Operational fixed.	75.42–75.98 (NG32)	Operational fixed.
				76–88 (US23)	NG.	76–88 (NG21)	BROADCASTING.	Television broadcasting.	77.25 81.75 83.25 87.75	Video Channel 5. Sound Video Sound Channel 6.
88–100		88–100	BROADCASTING.	88–108 (US23)	NG.	88–108 (NG21)	BROADCASTING.	FM broadcasting. (NG2).	88.1–107.9	FM Channel 201–FM Channel 300

100–108		100–106	BROADCASTING.	(US93)					(NG36)	
106–117.975	AERONAUTICAL RADIONAVIGATION.			108–117.975 (US93)	G, NG.	108–117.975	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.	108.105	Omnidirectional range (VOR).
									108.10	Localizer.
									108.15	Do.
									108.20	Omnidirectional range (VOR).
									108.25	Do.
									108.30	Localizer.
									108.35	Do.
									108.40	Omnidirectional range (VOR).
									108.45	Do.
									108.50	Localizer.
									108.55	Do.
									108.60	Omnidirectional range (VOR).
									108.65	Do.
									108.70	Localizer.
									108.75	Do.
									108.80	Omnidirectional range (VOR).
									108.85	Do.
									108.90	Localizer.
									108.95	Do.
									109.00	Omnidirectional range (VOR).
									109.05	Do
									109.10	Localizer.
									109.15	Do.
									109.20	Omnidirectional range (VOR).
									109.25	Do.
									109.30	Localizer.
									109.35	Do.
									109.40	Omnidirectional range (VOR).
									109.45	Do.
									109.50	Localizer.
									109.55	Do.
									109.60	Omnidirectional range (VOR).
									109.65	Do.
									109.70	Localizer.
									109.75	Do.
									109.80	Omnidirectional range (VOR).
									109.85	Do.
									109.90	Localizer.

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
									109.95	do.
									110.00	Omnidirectional range (VOR).
									110.05	Do.
									110.10	Localizer.
									110.15	Do.
									110.20	Omnidirectional range (VOR).
									110.25	Do.
									110.30	Localizer.
									110.35	Do.
									110.40	Omnidirectional range (VOR).
									110.45	Do.
									110.50	Localizer.
									110.55	Do.
									110.60	Omnidirectional range (VOR).
									110.65	Do.
									110.70	Localizer.
									110.75	Do.
									110.80	Omnidirectional range (VOR).
									110.85	Do.
									110.90	Localizer.
									110.95	Do.
									111.00	Omnidirectional range (VOR).
									111.05	Do.
									111.10	Localizer.
									111.15	Do.
									111.20	Omnidirectional range (VOR).
									111.25	Do.
									111.30	Localizer.
									111.35	Do.
									111.40	Omnidirectional range (VOR).
									111.45	Do.
									111.50	Localizer.
									111.55	Do.

									111.60	Omnidirectional range (VOR).
									111.65	Do.
									111.70	Localizer.
									111.75	Do.
									111.80	Omnidirectional range (VOR).
									111.85	Do.
									111.90	Localizer.
									111.95	Do.
									112.00 117.95 (NG34)	Omnidirectional range (VOR).
117.975-132	AERONAUTICAL MOBILE. (R) (201A) (273) (273A)			117.975-121.9375 (273) (US 26) (US 28) (US 85)	G, NG.	117.95-121.9375	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	118.000-121.400 (NG67)	Airdrome control.
									121.5	Aeronautical Mobile. Maritime Mobile. Maritime Radiodetermination. Ship. Survival craft and equipment.
									121.600-121.925	Emergency position indicating radiobeacon. Emergency locator transmitter.
									(NG67)	Aeronautical utility mobile.
									121.950 (NG67)	Aeronautical utility land. ELT test.
				121.9375-123.0875 (US30) (US31) (US33) (US80) (US85) (US102) (US213)	NG.	121.9375-123.0875	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	121.950 (NG67)	Aviation instructional.
									121.975-123.075 (NG67)	Private aircraft.
				123.0875-123.5875 (US32) (US33) (US112)	G, NG.	123.0875 123.5875 (NG67)			123.100	Aeronautical search and rescue. Ship. Survival craft and equipment.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
									123.125–123.275	Flight test.
									123.300	Aviation instructional.
									123.325–123.475	Flight test.
									123.500	Aviation instructional.
									123.525–123.575	Flight test.
				123.5875–128.8125 (US26) (US85)	G, NG.	123.5875–128.8125	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	123.600–128.800 (NG67)	AERONAUTICAL MOBILE.
				128.8125–132.0125 (US85)	NG.	128.8125–132.0125	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	128.825–132.000 (NG67)	AERONAUTICAL MOBILE.
132–136	AERONAUTICAL MOBILE. (R) (273A) (274A) (274B)			132.0125–136 (US26) (US85)	G, NG.	132.0125–136	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.	132.025–135.975 (NG67)	AERONAUTICAL MOBILE.
136–137	SPACE RESEARCH (Space-to-earth). (281A) (281AA)			136–137	G, NG.	136–137	SPACE RESEARCH.	Space.		Space.
137–138	METEROLOGICAL-SATELLITE. SPACE OPERATION (Telemetering and tracking). SPACE RESEARCH (Space-to-earth). (275A) (281E)			137–138	G, NG.	137–138	METEROLOGICAL-SATELLITE. SPACE OPERATION. SPACE RESEARCH.	Space.		Space.
138–143.6		138–143.6	FIXED	138–144	G.					

			MOBILE. *Radiolocation.* Space research (Space-to-earth). (283A).	(US10)						
143.6–143.65		143.6–143.65	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth). *Radiolocation.* (283A)							
143.65–144		143.65–144	FIXED. MOBILE. *Radiolocation.* Space research (Space-to-earth).							
144–146	AMATEUR. AMATEUR-SATELLITE.			144–146	AMATEUR. AMATEUR-SATELLITE (US1)	144–146	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
146–148		146–148	AMATEUR.	146–148	AMATEUR. (US1)	146–148	AMATEUR.	Amateur.		AMATEUR.
148–149.9 (285A)		148–149.9 (285A)	FIXED. MOBIL.	148–149.9 (285A) (US10)	G.				148.15	Civil air patrol land. Civil air patrol mobile.
149.9–150.05 (285B) (285C)	RADIONAVIGATION-SATELLITE.			149.9–150.05	G, NG. (US100)	149.9–150.05	RADIONAVIGATION-SATELLITE.	Space.		RADIONAVIGATION-SATELLITE.
150.05–174		150.05–174	FIXED. MOBILE.	150.05–150.8	G. (US216)					
				150.8–157.0875	NG. (US216) (NG-124)	150.8–150.98	LAND MOBILE. (NG112)	Base. Land mobile.		LAND TRANSPORTATION. (NG51).
						150.98–151.4825	LAND MOBILE. (NG112)	Base. Land Mobile.		PUBLIC SAFETY. (NG51)
						151.4825–151.4975	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL & PUBLIC SAFETY.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
										(NG51)
						151.4975-152	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL.
						152-152.255	LAND MOBILE.	Base. Land Mobile.		DOMESTIC PUBLIC.
						152.465-152.495	LAND MOBILE.	Base. Land Mobile.		LAND TRANSPORTATION (NG38) (NG115)
						152.465-152.495	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL. (NG116)
						152.495-152.855	LAND MOBILE.	Base. Land Mobile.		DOMESTIC PUBLIC. (NG4)
						152.855-153.7325	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL. (NG4)
						153.7325-154.4825	LAND MOBILE.	Base. Land Mobile.	154.2	INDUSTRIAL PUBLIC SAFETY (NG26) (NG57) Earth. Telecommand.
						154.4825-154.6375	LAND MOBILE.	Base. Land Mobile.		Industrial.
						154.6375-156.250	LAND MOBILE. (NG119)	Base. Land Mobile.		PUBLIC SAFETY.
					(US77)	156.250-157.0875	MARITIME MOBILE. (NG5)		156.250 156.275 156.300 156.325 156.350 156.375 156.400 156.425	MARITIME MOBILE Do. (NG117) Do. MARITIME MOBILE. (NG24) MARITIME MOBILE. Do.

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									156.450	MARITIME MOBILE. (NG24)
									156.475	MARITIME
(201A)									156.500	MOBILE.
									156.525	Do.
									156.550	MARITIME MOBILE. (NG24)
									156.575	MARITIME MOBILE.
									156.600	Do.
									156.625	Do.
									156.650	Do.
									156.675	Do.
									156.700	Do.
(287)					(US106)				156.725	Do.
					(US107)				156.750	MARITIME MOBILE. MARITIME RADIODETERMINATION. SHIP. EMERGENCY POSITION INDICATING RADIOBEACON.
									156.800	MARITIME MOBILE (Distress, safety and calling). MARITIME RADIODETERMINATION. SHIP. EMERGENCY POSITION INDICATING RADIOBEACON.
									156.850	MARITIME MOBILE.
									156.875	Do.
									156.900	Do.
									156.925	Do.
									156.950	Do.
									156.975	Do.
									157.100	Do.
									157.025	
				157.0375–157.1875 (US214)	G.				157.100	US Coast Guard Liaison Frequency.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
(287A)		(287A)		157.1875–162.0125	NG. (US77) (US200) (NG111) (US223) (NG-124)	157.1875–157.450	MARITIME MOBILE. (NG5)	Ship.	157.200 157.225 157.250 157.275 157.300 157.325 157.350 157.375 157.400 157.425	MARITIME MOBILE. Do. Do. Do. Do. Do. Do. Do. Do. Do.
						157.45–157.725	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG5) (NG38) (NG116)
						157.725–157.755	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL NG116)
						157.755–158.115	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.115–158.475	LAND MOBILE. (NG112)	Base. Land mobile.		INDUSTRIAL.
						158.475–158.715	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.715–159.48	LAND MOBILE. (NG112)	Base. Land mobile.		PUBLIC SAFETY. (NG70)
						159.48–161.575	LAND MOBILE. (NG112)	Base. Land mobile.		LAND TRANSPORTATION. (NG6) (NG26) (NG28) (NG70)
						161.575–161.625 (US77)	MARITIME MOBILE.	Coast.	161.6	MARITIME. MOBILE. (NG6) (NG17) (NG26)

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						161.625–161.775	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile. (NG6) (NG26)
						161.775–162.0125	MARITIME MOBILE. (NG5)	Coast.	161.800	Coast (NG26).
									161.825	Do.
									161.850	Do.
									161.875	Do.
									161.900	Coast.
									161.925	Do.
									161.950	Do.
									161.975	Do.
									162.000	Do.
			(233A)	162.0125–173.2	G. (US8) (US11) (US13) (US216) (US223)				166.25	PUBLIC SAFETY.
										Remote pickup.
									170.15	Do.
									170.425	PUBLIC SAFETY.
									170.475	Do.
									170.575	Do.
									171.425	Do.
									171.475	Do.
									171.575	Do.
									172.225	Do.
									172.275	Do.
									172.375	Do.
				173.2–173.4	NG.	173.2–173.4	Fixed. Land mobile. (NG 124)	Base. Fixed mobile.		PUBLIC SAFETY, INDUSTRIAL.
				173.4–174.0	G.					
174–216		174–216 (294)	FIXED. MOBILE. BROADCASTING.	174–216	NG. NG 115	174–216	BROADCASTING	Television broadcasting.	175.25	Video Channel 7.
									179.75	Sound
									181.25	Video Channel 8.
									185.75	Sound.
									187.25	Video Channel 9.
									191.75	Sound.
									193.25	Video Channel 10.
									197.75	Sound.
									199.25	Video Channel 11.
									203.75	Sound.
									205.25	Video Channel 12.
									209.75	Sound.
									211.25	Video Channel 13.
									215.75	Sound.
216.220		216.220	FIXED.	216–220	G, NG.	216–220	MARITIME.	Coast.		MARITIME

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
			MOBILE. RADIOLOCATION.		(US114) (US210) (US 229) NG 121		MOBILE. LAND MOBILE.	Ship. Telemetering land. Telemetering mobile.		MOBILE. INDUSTRIAL.
220-225		220-225	AMATEUR. RADIOLOCATION.	220-225	G, NG. (US34)	220-225	Amateur. (NG13)	Amateur.		AMATEUR.
225-235		225-235	FIXED. MOBILE.	225-328.6 (308A)(310) (US98)	G.					
235-267	FIXED. MOBILE. (201A) (305A) (308A)									
267-272	FIXED. MOBILE. Space operation (Telemetering). (308A) (309A) (309B)								243	Survival craft and equipment. Emergency position indicating radiobeacon. Emergency locator transmitter.
272-273	FIXED. MOBILE. SPACE OPERATION (Telemetering). (308A) (309A)									
273-328.6	FIXED. MOBILE. (308A) (310) (310A)									
328.6-335.4	AERONAUTICAL RADIONAVIGA-			328.6-335.4	G, NC.	328.6-335.4	AERONAUTICAL RADIONAVIGA-	Radionavigation land.		Glide path.

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	TION. (311)						TION. (311)			
335.4–399.9	FIXED. MOBILE. (308A)			335.4–399.9	G. (308A)					
399.9–400.05	RADIONAVIGATION SATELLITE. (311A) (285C)			399.9–400.05	G, NG. (US100)	399.9–400.05	RADIONAVIGATION SATELLITE.	Space.		RADIONAVIGATION SATELLITE.
400.05–400.15	STANDARD FREQUENCY SATELLITE. (312B)(313)(314)			400.05–400.15	G.	400.05–(312B)	STANDARD FREQUENCY-SATELLITE.	Space.	400.1	Standard frequency.
400.15–401	METEROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (Maintenance telemetering). SPACE RESEARCH (Telemetering and tracking).			400.15–401	G, NG.	400.15–401	METEOROLOGICAL AIDS. (US70) SPACE RESEARCH (Telemetering and tracking.)	Radiosonde. Space.		Radiosonde. Space.
401–402 (314) (315C)	METEOROLOGICAL AIDS SPACE OPERATION (Telemetering). (315A) Fixed. Meteorological-Satellite (Earth-to-space). Mobile except aeronautical mobile.			401–402	G, NG. (315C)	401–402	METEOROLOGICAL AIDS. (US70) SPACE OPERATION (Telemetering). (315A) Meteorological-Satellite (Earth-to-space).	Earth. Radiosonde. Space.		Earth. Radiosonde. Space.
402–403 (315C)	METEOROLOGICAL AIDS. Fixed. Meteorological-Satellite (Earth-to-space).			402–403	G, NG. (315C)	402–403	METEOROLOGICAL AIDS. (US70) Meteorological-Satellite (Earth-to-space).	Earth. Radiosonde.		Earth. Radiosonde.

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Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
	Mobile except aeronautical mobile.									
403–406 (315)	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			403–406	G, NG.	403–406	METEOROLOGICAL AIDS. (US70)	Radiosonde.		Radiosonde.
406–406.1	MOBILE SATELLITE (Earth-to-space). (317A) (317B)			406–406.1	G, NG. (317A)	406–406.1	MOBILE-SATELLITE (Earth-to-space).	Earth.		Emergency position-indicating radio-beacon.
406.1–410 (233B)	FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY.			406.1–410	G, NG. (US13) (US74) (US117)	406.1–410	RADIO ASTRONOMY.	Radio astronomy.		RADIO ASTRONOMY.
410–420	FIXED. MOBILE except aeronautical mobile.			410–420	G. (US13)					
420–450 (320)A		420–450	RADIOLOCATION. Amateur. (318) (319A) (319B) (320A)	420–450	G, NG (US217) (US87) (US7) (320A) (US35)	420–450	Amateur. Amateur Satellite.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
450–460 (318) (318B) (318C) (319A)	FIXED. MOBILE.			450–470	NG (US87). (US100) (US201) (US209)	450–451	LAND MOBILE.	Base.		Remote pickup broadcast base; remote pickup broadcast.
					(US216)	451–454	LAND MOBILE.	Base.		PUBLIC SAFETY.

						(NG 124)	(NG 112)		Land Mobile.		INDUSTRIAL. LAND TRANSPORTATION.
							454–455	LAND MOBILE. NG112	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
							455–456	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
							456–459	LAND MOBILE. (NG112)	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
							459–460	LAND MOBILE. (NG112)	Base. Land mobile.		DOMESTIC PUBLIC (NG12)
460–470 (324B)	FIXED. MOBILE. Meteorological Satellite (Space-to-earth). (318A)					(US100) (US201) (US209)	460–462.5375	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						(NG-124)	462.5375–462.7375	LAND MOBILE.	Base. Land mobile.		PERSONAL.
							462.7375–465.0125	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
							465.0125 467.5375	LAND MOBILE.	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
							467.5375–467.7375	LAND MOBILE.	Land mobile.		PERSONAL.
							467.7375–470	LAND MOBILE.	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
(332A)			(329A) (332) (332A)			(NG30) (NG43) (NG62)		BROADCASTING. LAND MOBILE. (NG66) (NG114)	Television broadcasting. Land mobile. Base.		BROADCASTING. PUBLIC SAFETY. INDUSTRIAL.

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					((US36) (US88) (US100) (US116)					LAND TRANSPORTATION. DOMESTIC PUBLIC.
					(US215)	512–806	BROADCASTING.	Television broadcasting.		
						806–821	LAND MOBILE.	Land mobile.		Conventional and trunked systems.
						821–825	LAND MOBILE.			Reserve.
						825–845	LAND MOBILE.	Land mobile.		Cellular Systems.
						845–851	LAND MOBILE.			Reserve.
						851–866	LAND MOBILE.	Base.		Conventional and Trucked Systems.
						866–870	LAND MOBILE.			Reserve.
						870–890	LAND MOBILE.			Cellular Systems.
890–942		890–942	FIXED.			890–902	LAND MOBILE.			Reserve
		(339A) (340)	RADIOLOCATION.	902–928	G. (US36) (US115) (US218)				915	Industrial. scientific, and medical equipment.
942–960		942–960 (330A)	FIXED.	928–960	NG. (US36) (US116) (US215)	928–929 (NG 120)	FIXED.	Operational fixed.		
						929–947	Land mobile.			Reserve.
						947–952 (NG9) (NG40) (NG58)	FIXED.	Aural broadcast STL. International aeronautical fixed (Alaska, Hawaii, and U.S.		

								possessions only). International fixed public (Alaska, Hawaii, and U.S. possessions only).		
						952-960 (NG 10) (NG 120)	Fixed mobile. (mutiple address systems).	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed.		
960-1215	AERONAUTICAL RADIONAVIGATION. (341)			960-1215	G, NG. (US224)	960-1215	AERONAUTICAL RADIONAVIGATION. (341)			
1215-1300	RADIOLOCATION. Amateur.			1215-1300	G, NG. (US34)	1215-1300	Amateur.			AMATEUR.
1300-1350	AERONAUTICAL RADIONAVIGATION. (346) Radiolocation.			1300-1350	G, NG.	1300-1350	AERONAUTICAL RADIONAVIGATION. (346)			
1350-1400		1350-1400 (349A)	RADIOLOCATION.	1350-1400	G.					
1400-1427	RADIO ASTRONOMY.			1400-1427	G, NG.	1400-1427	RADIO ASTRONOMY. (US74)			
1427-1429	FIXED. MOBILE except aeronautical mobile SPACE OPERATION (Telecommand).			1427-1429	G, NG. (US211)	1427-1429	SPACE OPERATION (Telecommand). Fixed (Telemetering) Land mobile (Telemetering and telecommand).	Base. Earth. Fixed. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY. Earth (telecommand). Base (telecommand). Fixed (telemetering). Land mobile (telemetering).
1429-1435		1429-1435	FIXED. MOBILE.	1429-1435	G, NG.	1429-1435	Fixed (Telemetering). Land mobile (telemetering	Base. Fixed. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY.

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							and telecommand).			Base (telecommand). Fixed (telemetering). Land mobile (telemetering).
1435–1525		1435–1525	MOBILE. Fixed.	1435–1525	G, NG. (US78)	1435–1525	MOBILE.	Aeronautical telemetering.		AVIATION.
1525–1535		1525–1535	SPACE OPERATION (Telemetering). (350A) Earth exploration-satellite. Fixed. Mobile. (350D)							
1535–1542.5	MARITIME MOBILE-SATELLITE (352E)			1535–1542.5	G, NG. (352E) (US39)	1535–1542.5	MARITIME MOBILE-SATELLITE.	Coast. Ship. Space.		MARITIME MOBILE-SATELLITE.
1542.5-1543.5	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE. (352F)			1542.5-1543.5	G, NG. (352F) (US39)	1542.5-1543.5	AERONAUTICAL MOBILE SATELLITE. (R). MARITIME MOBILE-SATELLITE.	Aeronautical. Aircraft. Coast. Ship. Space.		AERONAUTICAL MOBILE SATELLITE. (R). MARITIME MOBILE-SATELLITE.
1543.5-1558.5	AERONAUTICAL MOBILE-SATELLITE. (R) (352G)			1543.5-1558.5	G, NG. (352(G)) (US39)	1543.5-1558.5	AERONAUTICAL MOBILE SATELLITE. (R)	Aeronautical Aircraft. Space.		AERONAUTICAL MOBILE-SATELLITE. (R)
1558.5-1636.5	AERONAUTICAL RADIONAVIGATION. (352A) (352B) (352K)			1558.5-1636.5	G, NG. (352B) (US39) (US40) (US208)	1558.5-1592.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.		
						1592.5-	AERONAUTICAL	Radionavigation		Collision

						1622.5	RADIONAVIGATION.	land. Radionavigation mobile		avoidance. (Provisonal)
						1622.5–1636.5	AERONAUTICAL RADIONAVIGATION.			
1636.5–1644	MARITIME MOBILE-SATELLITE. (352H)			1636.5–1644	G, NG. (352H) (US39)	1636.5–1644	MARITIME MOBILE-SATELLITE.	Earth. Ship.		MARITIME MOBILE-Satellite.
1644–1645	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE. (3521)			1644–1645	G, NG. (3521) (US39)	1644–1645	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE.	Aircraft. Earth. Ship.		AERONAUTICAL MOBILE-SATELLITE. MARTIME MOBILE-SATELLITE.
1645–1660	AERONAUTICAL MOBILE SATELLITE. (R) (352J)			1645–1660	G, NG. (352J) (US39)	1645-1660	AERONAUTICAL MOBILE-SATELLITE. (R)	Aircraft. Earth.		AERONAUTICAL MOBILE-SATELLITE. (R)
1660–1670	METEOROLOGICAL AIDS. RADIO ASTRONOMY. (353A) (354A)			1660–1670	G, NG. (US74) (US99) (US100)	1660–1670	METEORLOGICAL AIDS. RADIO ASTRONOMY.	Radio astronomy. Radiosonde.		Radio astronomy. Radiosonde.
1670–1690	FIXED. METEOROLOGICAL AIDS. METEOROLOGICAL SATEL. LITE. (Space-to-earth) (324A) MOBILE except aeronautical mobile.			1670–1690	G, NG. (324A)	1670–1690	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	Radiosonde. Space.		
1690–1700		1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (Space-to-earth). (324B) (354A)	1690–1700	G, NG. (324B) (US100)	1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL SATELLITE.	Radiosonde. Space.		
1700–1710		1700–1710	FIXED. MOBILE. SPACE RE-	1700–1710	G, NG.	1700–1710	SPACE RESEARCH. METEOROLOGI-	Space.		

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			SEARCH (Space-to-earth). (3541)				CAL-SATELLITE.			
1710–1770		1710–1770	FIXED. MOBILE. (352K) (356A)	1710–1770	G. (US100)					
1770–1790 (356AA)		1770–1790	FIXED. MOBILE. Meteorological-Satellite. (356AA) (356A)							
1790–2290 (356AB) (356ABA)		1790–2290	FIXED. MOBILE. (356A) (356AB) (356ABA)	1850–2200	NG. (US90) (US111) (US219) (US222)	1850–1990 (NG8)	FIXED.	International control. Operational fixed. Television pickup. Television STL. Television intercity relay.		
						1990–2110 (NG118)	FIXED. MOBILE.			
						2110–2130 (NG10) (NG23)	FIXED.	Domestic fixed. public.		
						2130–2150 (NG10) (NG23)	FIXED.	Operational fixed. International control.		
						2150–2160 (NG23) (NG45)	FIXED.	Fixed.		MULTIPOINT DISTRIBUTION. Operational fixed.
						2160–2180 (NG10) (NG23)	FIXED.	Fixed.		MULTIPOINT DISTRIBUTION DOMESTIC FIXED PUBLIC.
						2180–2200	FIXED.	Operational fixed.		

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						(NG10) (NG23)		International control.		
				2200-2290	G.					
2290-2300		2290-2300	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth).	2290-2300	G, NG.	2290-2300	SPACE RESEARCH.	Space.		
2300-2450 (357)		2300-2450	RADIOLOCATION. Amateur. Fixed. Mobile. (357)	2300-2450	G, NG. (US34)	2300-2450 (357)	Amateur.	Amateur.		
2450-2500		2450-2500 (357)	FIXED. MOBILE. RADIOLOCATION.	2450-2500	NG. (US41)	2450-2500 (357)	FIXED. MOBILE. Radiolocation.			
2500-2550 (361A) (361B) (364C)		2500-2535	BROADCASTING-SATELLITE. (361B) FIXED. (364C) FIXED-SATELLITE (Space-to-earth). MOBILE, except aeronautical mobile. (361A) (364E)	2500-2535	NG. (NG8) (NG47) (NG101) (NG102) (US205) (US211)	2500-2535	BROADCASTING-SATELLITE. FIXED. FIXED-SATELLITE.	Instructional television fixed. Operational fixed. Space.		BROADCASTING-SATELLITE. FIXED. FIXED-SATELLITE.
		2535-2550	BROADCASTING-SATELLITE. (361B) FIXED. (364C) MOBILE except aeronautical mobile. (361A)	2535-2655	NG. (NG8) (NG47) (NG101) (US205) (US211)	2535-2655	BROADCASTING-SATELLITE. FIXED.	Instructional television fixed. Operational fixed. Space.		BROADCASTING-SATELLITE. FIXED.
2550-2655	BROADCASTING-SATELLITE. (361B) FIXED. (364C) MOBILE except aeronautical mobile.									
2655-2690		2655-2690	BROADCASTING-	2655-2690	NG.	2655-2690	BROADCASTING-	Instructional		BROADCASTING-

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(361B) (364C) (364D) (364G) (364H)			SATELLITE. (361B) (364H) FIXED. (364C) (364D) FIXED-SATELLITE (Earth-to-space). MOBILE except aeronautical mobile. (364E) (364G)		(NG8) (NG47) (NG101) (NG102) (US205) (US211)		SATELLITE. FIXED. FIXED-SATELLITE.	television fixed. Operational fixed. Space. Earth.		SATELLITE. FIXED. FIXED-SATELLITE.
2690-2700 (233B) (364A)	RADIO ASTRONOMY.			2690-2700	G, NG. (US74) (US100)	2690-2700	RADIO ASTRONOMY.	Radio astronomy.		
2700-2900 (366)	AERONAUTICAL RADIONAVIGATION. (346). Radiolocation.			2700-2900	G. (346) (366) (US42) (US43)					
2900-3100	RADIONAVIGATION. (367) (367A) (367B) Radiolocation.			2900-3100	G, NG.	2900-3100	MARITIME RADIONAVIGATION. Radiolocation. (US44)			
3100-3300 (354) (368) (369)	RADIOLOCATION.			3100-3300	G, NG. (369) (US110)	3100-3300	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
3300-3400		3300-3400	RADIOLOCATION. Amateur.	3300-3500	G, NG. (US108)	3300-3500	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.
3400-3500		3400-3500	FIXED-SATELLITE (Space-to-earth). RADIO-							

			LOCATION. Amateur.							
3500–3700		3500–3700	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE. RADIO-LOCATION.	3500–3700	G, NG. (US110)	3500–3700	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
3700–4200		3700–4200	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.	3700–4200	NG.	3700–4200	FIXED. FIXED-SATELLITE.	Common carrier fixed. Space.		DOMESTIC PUBLIC. (NG11) FIXED SATELLITE.
4200–4400 (352A) (379A)	AERONAUTICAL RADIO-NAVIGATION.			4200–4400	G, NG. (US47)	4200–4400	AERONAUTICAL RADIO-NAVIGATION.	Altimeter.		
4400–4700	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			4400–4990	G. (US203)					
4700–4990 (233B) (382A) (382B)	FIXED. MOBILE.									
4990–5000		4990–5000 (383A)	RADIO ASTRONOMY.	4990–5000	G, NG. (US74) (US100)	4990–5000	RADIO ASTRONOMY.	Radio astronomy.		
5000–5250 (352A) (352B) (383B)	AERONAUTICAL RADIONAVIGATION.			5000–5250	G, NG. (352A) (352B) (383B) (US118) (US211)	5000–5250	AERONAUTICAL RADIONAVIGATION.			
5250–5255	RADIOLOCATION. Space research.			5250–5350	G, NG. (US110)	5250–5350	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
5255–5350	RADIOLOCATION.									
5350–5460	AERONAUTICAL RADIONAVIGATION. (385) Radiolocation.			5350–5460	G, NG.	5350–5460	AERONAUTICAL RADIONAVIGATION. (385) Radiolocation. (US48)			

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5460-5470	RADIONAVIGATION. (385) Radiolocation.			5460-5470	G, NG.	5460-5470	RADIONAVIGATION. (385) (US65) Radiolocation. (US49)			
5470-5650 (387)	MARITIME RADIONAVIGATION. Radiolocation.			5470-5600	G, NG.	5470-5600	MARITIME RADIONAVIGATION. (US65) Radiolcation. (US50)			
				5600-5650	G, NG.	5600-5650	MARITIME RADIONAVIGATION. (US65) METEOROLOGICAL AIDS. (387) Radiolocation. (US51)			
5650-5670 (388)	RADIOLOCATICN. Amateur.			5650-5925	G, NG. (391) (US34) (US100)	5650-5925	Amateur.	Amateur.		
5670-5725 (388) (389A)	RADIOLOCATION. Amateur. Space research (deep space).									
5725-5925 (391)		5725-5925	RADIOLOCATION. Amateur. (391) (391A)						5800	Industrial, scientific and medical equipment.
5925-6425	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			5925-6425	NG.	5925-6425	FIXED. FIXED-SATELLITE.	Common carrier fixed. Fixed earth.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
6425.7250	FIXED.			6425-7125	NG.	6425-6525	MOBILE.	Common carrier		

(379A) (392AA) (392B) (393)	MOBILE.							land. Common carrier mobile.		
						6525-6575	FIXED.	Operational fixed.		
						6575-6625 (NG8)	FIXED.	International control. Operational fixed.		
						6625-6875 (NG8)	FIXED. FIXED-SATELLITE. (NG103)	International control. Operational fixed. Space.		
						6875-7125 (NG118)	FIXED. FIXED-SATELLITE. (NG103) MOBILE.	Space. Television pickup. Television STL. Television intercity relay.		
				7125-7250	G. (392B)					
7250-7300 (392D) (392G)	FIXED-SATELLITE. (Space-to-earth).			7250-7300	G. (392D) (US100)					
7300-7450 (3921)	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			7300-7750	G. (392I) (3921)					
7450-7550 (3921)	FIXED. FIXED-SATELLITE (Space-to-earth). METEOROLOGICAL-SATELLITE (Space-to-earth). MOBILE.									
7550-7750 (3921)	FIXED. FIXED-SATELLITE (Space-to earth). MOBILE.									
7750-7900	FIXED. MOBILE.			7750-7900	G.					
7900-7975	FIXED.			7900-7975	G.					

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Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col. 1	Service—Col. 2	Band (MHz)—Col. 3	Service—Col. 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
	FIXED-SATELLITE (Earth-to space). MOBILE.									
7975–8025 (392H)	FIXED-SATELLITE (Earth-to-space).			7975–8025	G. (US100)					
8025–8175		8025–8175	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.	8025–8175	G.					
8175–8215		8175–8215	EARTH-EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). METEROLOGICAL SATELLITE (Earth-to-space). MOBILE.							
8215–8400		8215–8400	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space).							

			MOBILE.							
8400–8500	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth).			8400–8500	G, NG.	8400–8500	SPACE RESEARCH.	Space.		
8500–8750	RADIOLOCATION.			8500–9000	G, NG. (US53) (US110)	8500–9000	Radiolocation.	Radiolocation land. Radiolocation mobile.	8800	RADIOLOCATION. Airborne doppler radar.
8750–8850	RADIOLOCATION. AERONAUTICAL RADIONAVIGATION.									
8850–9000	RADIOLOCATION.									
9000–9200	AERONAUTICAL RADIONAVIGATION. Radiolocation.			9000–9200	G, NG.	9000–9200	AERONAUTICAL RADIONAVIGATION. (346) (US54) Radiolocation. (US48)			
9200–9300	RADIOLOCATION.			9200–9300	G, NG. (US110)	9200–9300	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)—Col 1	Service—Col 2	Band (MHz)—Col. 3	Service—Col 4	Band (MHz)—Col. 5	Allocation—Col. 6	Band (MHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (MHz)—Col. 10	Nature of Services of stations—Col. 11
9300-9500 (399)	RADIONAVIGATION. (367)(367A)(367B) Radiolocation.			9300-9500	G, NG.	9300-9500	RADIONAVIGATION. (US66) (US71) Meteorological aids. (US67) Radiolocation. (US51)			
9500-9800	RADIOLOCATION.			9500-10000	G, NG. (401A) (US110)	9500-10000	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
9800-10000 (401A)	RADIOLOCATION. Fixed.									
10000-10500 (401A)	RADIOLOCATION. Amateur.			10000-10500	G, NG. (401A) (US58) (US108)	10000-10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.

TABLE OF FREQUENCY ALLOCATIONS

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)—Col. 1	Service—Col. 2	Band (GHz)—Col. 3	Service—Col. 4	Band (GHz)—Col. 5	Allocation—Col. 6	Band (GHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (GHz)—Col. 10	Nature of Services of stations—Col. 11
10.5–10.55		10.5–10.55	RADIOLOCATION. (404).	10.5–10.55	G, NG. (US59)	10.5–10.55				
10.55–10.6	FIXED. MOBILE. Radiolocation.			10.55–10.68	NG.	10.55–10.565	FIXED.	Fixed.		DOMESTIC PUBLIC.
10.6–10.68	FIXED. MOBILE. RADIO ASTRONOMY. Radiolocation.					10.565–10.615	FIXED.	Fixed.		DOMESTIC PUBLIC. Digital termination nodal stations.
						10.615–10.63	FIXED.	Fixed.		DOMESTIC. PUBLIC.
						10.63–10.68	FIXED.	Fixed.		DOMESTIC. PUBLIC. Digital termination user stations.
10.68–10.7 (405B)	RADIO ASTRONOMY.			10.68–10.7	G, NG. (US74) (US100)	10.68–10.7	RADIO ASTRONOMY.			
10.7–10.95	FIXED. MOBILE.			10.7–11.7	NG.	10.7–10.95	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
10.95–11.2		10.95–11.2	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			10.95–11.2	FIXED. FIXED-SATELLITE. (NG104)	Common carrier fixed. Space.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
11.2–11.45	FIXED. MOBILE.					11.2–11.45	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
11.45–11.7	FIXED. FIXED-SATELLITE (Space-to-earth. MOBILE.					11.45–11.7	FIXED. FIXED-SATELLITE. (NG104)	Common carrier fixed. Space.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)—Col. 1	Service—Col. 2	Band (GHz)—Col. 3	Service—Col. 4	Band (GHz)—Col. 5	Allocation—Col. 6	Band (GHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (GHz)—Col. 10	Nature of Services of stations—Col. 11
11.7-12.2		11.7-12.2 (406BB) (406BC)	BROADCASTING. BROADCASTING-SATELLITE. FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE (except aeronautical mobile).	11.7-12.2	NG. (405BC)	11.7-12.2	BROADCASTING-SATELLITE. FIXED-SATELLITE. Mobile. (NG105)	Common carrier land. Common carrier mobile (except aeronautical mobile). Space.		
12.2-12.5		12.2-12.5	BROADASTING. FIXED. MOBILE (except aeronautical mobile).	12.2-12.75	NG.	12.2-12.5 (NG8) (NG52)	FIXED.	International control. Operational fixed.		
12.5-12.75		12.5-12.75	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE (except aeronautical mobile).			12.5-12.7 (NG8) (NG52)	FIXED. FIXED-SATELLITE.	Earth International control. Operational fixed.		
						12.7-12.75 (NG 53) (NG 118)	FIXED. FIXED-SATELLITE. MOBILE.	Cable television relay. Earth. Television intercity relay. Television STL.		
12.75-13.25	FIXED. MOBILE.			12.75-13.25	NG.	12.75-13.20 (NG 53) (NG 118)	FIXED. MOBILE.	Cable television relay. Television intercity relay. Television STL.		
						12.95-13.2 (NG118)	FIXED. MOBILE.	Television intercity relay. Television pickup. Television STL.		

						13.2–13.25	FIXED. MOBILE.			
13.25–13.4 (407A)	AERONAUTICAL RADIONAVIGATION. (406)			13.25–13.4	G, NG.	13.25–13.4	AERONAUTICAL RADIONAVATION. (406) Space research.			Airborne doppler radar. Earth.
13.4–14.0 (407A)	RADIOLOCATION.			13.4–14.0	G, NG. (US110)	13.4–14.0	Radiolocation. Space research.	Earth Radiolocation land. Radiolocation mobile.		
14.0–14.3 (407A)	FIXED-SATELLITE (Earth-to-space). RADIONAVIGATION. (408A)			14.0–14.2	G, NG. (US207)	14.0–14.2	FIXED-SATELLITE. RADIONAVIGATION. Space research.	Earth. Radionavigation land. Radionavigation mobile.		
				14.2–14.3	G, NG. (US207)	14.2–14.3	FIXED-SATELLITE. RADIONAVIGATION.	Earth. Radionavigation land. Radionavigation mobile.		
14.3–14.4	FIXED-SATELLITE (Earth-to-space). RADIONAVIGATION. SATELLITE. (408A)			14.3–14.4	G, NG. (US206) (US207)	14.3–14.4	FIXED-SATELLITE. RADIONAVIGATION SATELLITE.	Earth.		
14.4–14.5 (408B) (408C)	FIXED. FIXED-SATELLITE (Earth to-space). MOBILE.			14.4–14.5	G, NG. (US203) (US207)	14.4–14.5	FIXED-SATELLITE. Space research.	Earth. Space.		FIXED-SATELLITE (Earth-to-space). SPACE RESEARCH. (Space-to-earth).
14.5–15.25 (408B) (408C)	FIXED. MOBILE.			14.5–15.35	G. (US203) (US211)					
15.35–15.4 (408C)	RADIO ASTRONOMY.			15.35–15.4	G, NG. (US74) (US100)	15.35–15.4	RADIO ASTRONOMY.			
15.4–15.7	AERONAUTICAL RADIONAVIGATION. (352A)(352B)			15.4–15.7	G, NG. (352A) (352B) (US118)	15.4–15.7	AERONAUTICAL RADIONAVIGATION.			

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)—Col. 1	Service—Col. 2	Band (GHz)—Col. 3	Service—Col. 4	Band (GHz)—Col. 5	Allocation—Col. 6	Band (GHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (GHz)—Col. 10	Nature of Services of stations—Col. 11
					(US211)					
15.7-17.7	RADIOLOCATION.			15.7-17.7	G, NG. (US110)	15.7-17.7	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
17.7-19.7	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			17.7-19.7	NG.	17.7-18.36	FIXED. FIXED-SATELLITE. MOBILE.	Fixed. Mobile. Space.		Domestic fixed public. FIXED-SATELLITE.
						18.36-19.04 (NG106)	FIXED. FIXED-SATELLITE. MOBILE.	Fixed. Mobile. Space.		Domestic fixed public. Operational fixed. FIXED-SATELLITE.
						19.04-19.70	FIXED. FIXED-SATELLITE. MOBILE.	Fixed. Mobile. Space.		Domestic fixed public. FIXED SATELLITE.
19.7-21.2 (409E)	FIXED-SATELLITE (Space-to-earth).			19.7-20.2	NG.	19.7-20.2	FIXED-SATELLITE.	Space.		
				20.2-21.2	G.					
21.2-22.0	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. MOBILE.			21.2-22.0	G, NG.	21.2-22.0 (NG107)	EARTH EXPLORARATION-SATELLITE. FIXED. MOBILE.	Fixed. Mobile except aeronautical mobile. Space.		Domestic fixed public. Operational fixed. EARTH EXPLORATION SATELLITE.
22.0-22.5 (410A)	FIXED. MOBILE.			22.0-23.6	G, NG. (410A)	22.0-23.6 (NG107)	FIXED. MOBILE.	Fixed. Mobile except aeronautical mobile.		Operational fixed. Domestic fixed public.
22.5-23.0		22.5-23.0	FIXED. MOBILE.							

23.0–23.6	FIXED. MOBILE.									
23.6–24.0	RADIO ASTRONOMY.			23.6–24.0	G, NG. (US72) (US 74)	23.6–24.0	RADIO ASTRONOMY.			
24.0–24.05 (410C)	AMATEUR. AMATEUR-SATELLITE.			24.0–24.05	AMATEUR. AMATEUR-SATELLITE. (U672) (U6202) (U621i)	24.0–24.05	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		
24.06–24.25 (410C)	RADIOLOCATION. Amateur.			24.06–24.25	G, NG. (US72) (US110) (US202)	24.05–24.25	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.	24.125	Industrial scientific and medical equipment.
24.25–25.25	RADIONAVIGATION. (411)			24.25–25.25	G, NG. (US72)	24.25–25.25	RADIONAVIGATION.			
25.25–27.5	FIXED. MOBILE.			25.26–27.5	G.					
27.5–29.5	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			27.5–29.5	NG.	27.5–29.5	FIXED. FIXED-SATELLITE. MOBILE.	Common carrier fixed. Common carrier land. Common carrier mobile (except aeronautical mobile). Earth.		
29.5–31.0	FIXED-SATELLITE (Earth-to-space).			29.5–30.0	NG.	29.5–30.0	FIXED-SATELLITE.	Earth.		
				30.0–31.0	G.					
31.0–31.3 (412H) (412I)	FIXED. MOBILE. Space research.			31.0–31.2	NG. (US100)	31.0–31.2	FIXED. MOBILE.			
				31.2–31.5	G, NG. (US74) (US100)	31.2–31.5	RADIO ASTRONOMY.			
31.3–31.5 (412A)	RADIO ASTRONOMY.									
31.5–31.8		31.5–31.8 (405C)	SPACE RESEARCH.	31.5–31.8	G, NG. (US100)	31.5–31.8	SPACE RESEARCH.			

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)—Col. 1	Service—Col. 2	Band (GHz)—Col. 3	Service—Col. 4	Band (GHz)—Col. 5	Allocation—Col. 6	Band (GHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (GHz)—Col. 10	Nature of Services of stations—Col. 11
					(US211)					
31.8–32.3 (412B)	RADIONAVIGATION. Space research.			31.8–33.4	G, NG. (US100)	31.8–33.4	RADIONAVIGATION. (US69)			
32.3–33.0	RADIONAVIGATION.									
33.0–33.4		33.0–33.4	RADIONAVIGATION. (412F)							
33.4–34.2 (412G)	RADIOLOCATION.			33.4–36.0	G, NG. (412D) (US100) (US110)	33.4–36.0	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
34.1–35.2 (412C) (412D)	RADIOLOCATION. Space research.									
35.2–36.0	RADIOLOCATION.									
36.0–40.0 (391A) (412E)	FIXED. MOBILE.			36.0–38.6	G. (US100)					
				36.6–40.0	NG.	38.6–40.0	FIXED. MOBILE.			
40.0–41.0	FIXED-SATELLITE (Space-to-earth).			40.0–41.0	G, NG.	40.0–41.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
41.0–43.0	BROADCASTING-SATELLITE.			41.0–43.0	G, NG.	41.0–43.0	FIXED. BROADCASTING-SATELLITE. MOBILE.	Space.		
43.0–48.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGA-			43.0–48.0	G, NG.	43.0–48.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE.			

	TION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION SATELLITE.						MARITIME-MOBILE. MARITIME-MOBILE SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGTION-SATELLITE.			
48.0–50.0	Not Allocated.			48.0–50.0	G, NG.	48.0–50.0	RADIOLOCATION. Amateur.			
50.0–51.0	FIXED-SATELLITE (Earth-to-space.			50.0–51.0	G, NG.	50.0–51.0	FIXED. FIXED-SATELLITE. MOBILE.	Earth.		
51.0–52.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			51.0–52.0	G, NG.	51.0–52.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			
52.0–54.25 (412J)	SPACE RESEARCH (Passive).			52.0–54.25	G, NG. (412J)	52.0–54.25	SPACE RESEARCH (Passive).			
54.25–58.3	INTER-SATELLITE.			54.25–58.3	G, NG.	54.25–58.3	FIXED. MOBILE (Except aeronautical mobile).			
58.3–59.0 (412J)	SPACE RESEARCH (Passive).			58.3–59.0	G, NG. (412J)	58.3–59.0	SPACE RESEARCH (Passive).			
59.0–64.0	INTER-SATELLITE.			59.0–64.0	G, NG.	59.0–64.0	FIXED. MOBILE (Except aeronautical mobile).			

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TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)—Col. 1	Service—Col. 2	Band (GHz)—Col. 3	Service—Col. 4	Band (GHz)—Col. 5	Allocation—Col. 6	Band (GHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (GHz)—Col. 10	Nature of Services of stations—Col. 11
64.0–65.0 (412J)	SPACE RESEARCH (Passive).			64.0–65.0	G, NG. (412J)	64.0–65.0	SPACE RESEARCH (Passive).			
65.0–66.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			65.0–66.0	G, NG.	65.0–66.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			
66.0–71.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			66.0–71.0	G, NG.	66.0–71.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
71.0–84.0	Not Allocated.			71.0–76.0	G, NG.	71.0–76.0	RADIOLOCATION. Amateur.			
				76.0–84.0	G, NG.	76.0–84.0	FIXED. MOBILE.			

84.0–86.0	BROADCASTING-SATELLITE.			84.0–86.0	G, NG. (US211)	84.0–86.0	FIXED. BROADCASTING-SATELLITE. MOBILE.			
86.0–92.0 (412J)	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			86.0–92.0	G, NG. (412J) (US74)	86.0–92.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
92.0–95.0	FIXED-SATELLITE (Earth-to-space).			92.0–93.0	G, NG.	92.0–93.0	FIXED. MOBILE.			
				93.0–95.0	G, NG.	93.0–95.0	FIXED. FIXED-SATELLITE. MOBILE.	Earth.		
95.0–101.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO-NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			95.0–101.0	G, NG.	95.0–101.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
101.0–102.0 (412J)	SPACE RESEARCH (Passive).			101.0–102.0	G, NG. (412J)	101.0–102.0	SPACE RESEARCH (Passive).			
102.0–105.0	FIXED-SATELLITE (Space-to-(earth).			102.0–103.0	G, NG.	102.3–103.0	FIXED. MOBILE.			

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)—Col. 1	Service—Col. 2	Band (GHz)—Col. 3	Service—Col. 4	Band (GHz)—Col. 5	Allocation—Col. 6	Band (GHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (GHz)—Col. 10	Nature of Services of stations—Col. 11
				103.0–105.0	G, NG	103.0–105.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
105.0–130.0 (412K)	INTER-SATELLITE.			105.0–110.0	G, NG.	105.0–110.0	FIXED. MOBILE (except Aeronautical Mobile).			
				110.0–117.5	G, NG.	110.0–117.5	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile.			
				117.5–122.5	G, NG.	117.5–122.5	FIXED. MOBILE (except Aeronautical Mobile.			
				122.5-130.0	G, NG. (US211)	122.5-130.0	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
130.0–140.0 (412J)	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			130.0–140.0	G, NG. (412J) (US74)	130.0–140.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
140.0–142.0	FIXED-SATELLITE. (Earth-to-space).			140.0–141.0	G, NG.	140.0–141.0	FIXED. MOBILE.			
				141.0–142.0	G, NG.	141.0–142.0	FIXED. FIXED-SATELLITE.	Earth.		

							MOBILE.			
142.0–150.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO-NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			142.0–150.0	G, NG.	142.0–150.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
150.0–152.0	FIXED-SATELLITE. (Space-to-earth).			150.0–151.0	G, NG.	150.0–151.0	FIXED. MOBILE.			
				151.0–152.0	G, NG.	151.0–152.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
152.0–170.0	Not Allocated.			152.0–165.0	G, NG	152.0–165.0	FIXED. MOBILE.			
				165.0–170.0	G, NG	165.0–170.0	RADIOLOCATION. Amateur.			
170.0–182.0	INTER-SATELLITE.			170.0–175.0	G, NG	170.0–175.0	FIXED. MOBILE (except Aeronautical Mobile).			
				175.0–182.0	G, NG	175.0–182.0	FIXED. INTER-SATELLITE. MOBILE (except			

TABLE OF FREQUENCY ALLOCATIONS—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)—Col. 1	Service—Col. 2	Band (GHz)—Col. 3	Service—Col. 4	Band (GHz)—Col. 5	Allocation—Col. 6	Band (GHz)—Col. 7	Service—Col. 8	Class of station—Col. 9	Frequency (GHz)—Col. 10	Nature of Services of stations—Col. 11
							Aeronautical Mobile).			
182.0–185.0 (412J)	SPACE RESEARCH. (Passive.).			182.0–185.0	G, NG 412J	182.0–185.0	SPACE RESEARCH (Passive).			
185.0–190.0	INTER-SATELLITE.			185.0–189.0	G, NG	185.0–189.0	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
				189.0–190.0	G, NG	189.0–190.0	FIXED. MOBILE (except Aeronautical Mobile).			
190.0–200.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME. RADIO-NAVIGATION-SATELLITE.			190.0–200.0	G, NG	190.0–200.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION SATELLITE.			

200.0-220.0	Not Allocated.			200.0-220	G, NG	200.0-230-0	FIXED MOBILE.			
220.0-230.0	FIXED-SATELLITE.			220.0-230.0	G, NG US 211	220.0-230.0	FIXED. FIXED-SATELLITE. MOBILE.			
230.0-240.0 (412J)	RADIO ASTRONOMY SPACE RESEARCH (Passive).			230.0-240.0	G, NG 412J US74	230.0-240.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
240.0-250.0	Not Allocated.			240.0-250.0	G, NG	240.0-250.0	RADIOLOCATION. Amateur.			
250.0-265.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIO-NAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIO-NAVIGATION-SATELLITE.			250.0-265.0	G, NG	250.0-265.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION.			
265.0-275.0	FIXED-SATELLITE.			265.0-275.0	G, NG	265.0-275.0	FIXED. FIXED SATELLITE. MOBILE.			
275.0-300.0	Not Allocated.			275.0-300.0	G, NG	275.0-300.0	FIXED. MOBILE.			
Above 300.0	Not Allocated.			Above 300.0	G, NG	Above 300.0	Amateur.			

FOOTNOTES

GENEVA FOOTNOTES

(157) Administrations authorizing the use of frequencies below 10 kHz for special national purposes shall ensure that no harmful interference is caused thereby to the services to which the bands above 10 kHz are allocated (see also Article 14, No. 699).

(158) Limited to coast telegraph stations (A1 and F1 only). Exceptionally, the use of class A7J emission is permissible subject to the necessary bandwidth not exceeding that normally used for class A1 or F1 emissions in the bands concerned.

(159) The stations of services to which the bands between 14 and 70 kHz are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the frequencies 25 kHz and 50 kHz will be used for this purpose under the same conditions.

(160) The standard frequency is 20 kHz.

(161) In the U.S.S.R., frequencies in the band 60–80 kHz may be used for industrial, scientific and medical purposes subject to the condition that interference is not caused to stations of services to which this band is allocated.

(162) Limited to continuous wave systems.

(164) The establishment and operation of maritime radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. However, the fixed, maritime mobile and radiolocation services shall not cause harmful interference to maritime radionavigation stations established under such agreements.

(166) The development and operation of long distance radionavigation systems are authorized in this band, which will become exclusively allocated, wholly or in part, to the radionavigation service for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions shall nevertheless be confined within the band 90–110 kHz and shall not cause harmful interference outside the band to stations operating in accordance with the Regulations. In Regions 1 and 3, during the priod prior to the international adoption of any long distance radionavigation system, the operation of specific radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. Once established under such agreements, radionavigation stations shall be protected from harmful interference.

(167) Only classes A1 or F1, A4 or F4 emissions are authorized in the band 90–160 kHz for stations of the fixed and maritime mobile services. Exceptionally, class A7J emission is also authorized in the band 90–160 kHz for stations of the maritime mobile service.

(168) Aeronautical stations may use frequencies in the bands 110–112 kHz, 115–126 kHz and 129–130 kHz on a permitted basis for high-speed communications to aircraft.

(179) In northern areas which are subject to auroral disturbances the aeronautical fixed service is the primary service.

(181) Norwegian fixed stations situated in northern areas subject to auroral disturbances are allowed to continue operation on two frequencies in the band 385–395 kHz for transmissions chiefly composed of weather messages.

(182) The frequency 410 kHz is designated for the maritime radionavigation service (radio direction-finding). Other allocated services in the band 405–415 kHz shall not cause harmful interference to radio direction-finding. In the band 405–415 kHz no frequency shall be assigned to coast stations.

(185) In the European Maritime Area, subject to the conditions specified in the Final Acts of the European Maritime Conference (Copenhagen 1948), and any subsequent revision of that agreement, the administrations concerned may keep in the bands 415–485 kHz and 515–525 kHz such of the following broadcasting stations as will not cause harmful interference to the maritime mobile service: Hamar, Innsbruck, Oestersund, Oulu.

(186) Limited to radiotelegraphy.

(187) The frequency 500 kHz is the international distress and calling frequency for radiotelegraphy. The conditions for its use are prescribed in Article 32.

(188) In operating stations of the aeronautical radionavigation service, the administrations concerned shall take all the technical steps necessary to avoid harmful interference to the maritime mobile service.

(191) The carrier power of broadcasting stations in this band shall not exceed 250 watts.

(198) In Region 2 the Loran system has priority. Other services to which the band is allocated may use any frequency in this band provided that they do not cause harmful interference to the Loran system.

In Region 3 the Loran system in any particular area operates either on 1850 or 1950 kHz, the bands occupied being 1825–1875 kHz and 1925–1975 kHz respectively. Other services to which the band 1800–2000 kHz is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 or 1950 kHz.

(200) In Region 2, except in Greenland, coast stations and ship stations using radiotelephony shall be limited to class A3A or A3J emission and to a peak envelope power not exceeding 1kw. Preferably, the following carrier frequencies should be used: 2065.0 kHz, 2079.0 kHz, 2082.5 kHz, 2086.0 kHz, 2093.0 kHz, 2096.5 kHz, 2100.0 kHz, 2103.5 kHz.

(201) The frequency 2182 kHz is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170–2194 kHz are prescribed in Article 35.

(201A) The frequencies 2182 kHz, 3023.5 kHz, 5680 kHz, 8364 kHz, 121.5 MHz, 156.8 MHz, and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles.

The same applies to the frequencies 10003 kHz, 14993 kHz, and 19993 kHz, but in these cases emissions must be confined in a band of ±3 kHz about the frequency.

(202) For the conditions of use of this band by the broadcasting service see Nos. 135, 136, and 423 to 428.

(203) Standard frequency is 2500 kHz.

(203A) The bands 2501–2502 kHz, 5003–5005 kHz, 10003–10005 kHz, 15005–15010 kHz, 19990–19995 kHz, 20005–20010 kHz, and 25005–25010 kHz are also allocated, on a secondary basis, to the space research service.

(208) In the U.S.S.R., in the bands 4063–4133 kHz and 4408–4438 kHz, fixed stations of limited power may operate providod that, in order to minimize the possibility of causing harmful interference to the maritime mobile service, they are situated at least 600 km from the coast. A limited power station is one whose power and antenna characteristics are so adjusted that the field strength established at any point in any direction does not exceed that obtainable with a nondirective antenna and a peak envelope power of 1 kw.

(209) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 4063 and 4438 kHz may be used exceptionally by fixed stations communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts; however, in Regions 2 and 3, between 4238 and 4368 kHz, a mean power not exceeding 500 watts may be used by such fixed stations.

(210) The standard frequency is 5000 kHz.

(211) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 6200 and 6525 kHz may be used exceptionally by fixed stations, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts. At the time of notification of these frequencies, the attention of the International Frequency Registration Board will be drawn to the above conditions.

[*Footnote 213 deleted eff. 12-12-77; II(76)-3*]

(214) The standard frequency is 10,000 kHz.

(216) In the U.S.S.R., the band 11,400-11,450 kHz is also allocated to the aeronautical mobile (OR) service.

(217) The frequency 13,560 kHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(218) In the U.S.S.R., the band 14,250-14,350 kHz is also allocated to the fixed service.

(219) The standard frequency is 15,000 kHz.

(220) The standard frequency is 20,000 kHz.

(221B) In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R. the band 21,850-21,870 kHz is also allocated to the aeronautical fixed and the aeronautical mobile (R) services. The administrations concerned will take all practicable steps to protect radio astronomy observations from harmful interference.

(222) Intership radiotelegraphy may be used in the maritime mobile service between the frequencies 23,350 and 24,000 kHz.

(222A) In Argentina and Uruguay the band 24,528-24,538 kHz may be used by the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(223) The standard frequency is 25,000 kHz.

(224) Limited to ship stations employing A1 or F1 emissions.

(225) The frequency 27,120 kHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(226) In Region 2, Australia and New Zealand, the amateur service may operate between the frequencies 26,960 and 27,230 kHz.

(228) Stations designed to use ionospheric scatter may operate only subject to agreements between administrations concerned and those whose services, operating in accordance with the Table, may be affected.

(229) Systems designed to use ionospheric scatter or other fixed service systems designed to operate over distances exceeding 800 km shall confine their emissions to the following bands:

Region 1	Region 2	Region 3
32.6-33 36.2-36.6 39-39.4	32.6-33 34.6-35 36.4-36.8	32.6-33 34.6-35 36.4-36.8

and shall have priority in Region 2 in the bands shown above for such use in that Region.

(230) In the case of the bands referred to in No. 229, which are limited to a particular Region, the provisions of No. 117 shall apply and administration shall avoid beaming such transmission toward another Region unless specifically coordinated othewise.

(231) Ionospheric scatter stations, existing on 1 January 1960, and not causing harmful interference to the other services to which the band is allocated, may continue to operate on frequencies now assigned until reaccommodated.

(232) Conventional (F2) long distance fixed service use of the band 29.7-30 MHz is not excluded in Region 2 provided that such use is coordinated between the administrations concerned.

(233A) In Argentina and Uruguay, the bands 36.65-36.85 MHz, 41.15-41.35 MHz, and 45.65-45.85 MHz, and in Argentina, Brazil, and Uruguay the band 170.55-170.95 MHz, are allocated to the radio astronomy service and no assignments shall be made to the fixed and mobile services in these bands.

(233B) In making assignments to stations of other services to which the bands 37.75-38.25 MHz, 150.05-153 MHz, 406.1-410 MHz, 2690-2700 MHz, and 4700-5000 MHz are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(235) The band 39,986-40,020 MHz is also allocated on a secondary basis to the space research service.

(236) The frequency 40.68 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(236A) The band 40.980-41.015 MHz is also allocated on a secondary basis to the space research service, in particular for measurements of the differential Faraday effect.

(237) Systems designed to use ionospheric scatter which may cause harmful interference to the broadcasting service are prohibited.

(253A) In Region 2, fixed, mobile and broadcasting service operations previously authorized in the band 73-74.6 MHz may continue to operate on a non-interference basis to the radio astronomy service.

(253B) In Cuba, the band 73-74.6 MHz is also allocated to the fixed, mobile and broadcasting services.

(259) The frequency 75 MHz is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guard-band to stations of other services which, because of their power or geographical position, might cause harmful interference to marker beacons.

(273) In this band, the frequency 121.5 MHz is the aeronautical emergency frequency and where required the frequency 123.1 MHz is the aeronautical frequency auxiliary to 121.5 MHz; mobile stations of the maritime mobile service may communicate on these frequencies for safety purposes with stations of the aeronautical mobile service.

[Footnote 273 amended eff. 12-12-77; II(76)-3]

(273A) In the band 117.975-132 MHz and in the band 132-136 MHz where the aeronautical mobile (R) service is authorized, the use and development, for this service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service. Such use and development shall be subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(274A) In Regions 2 and 3, stations of the fixed and mobile services may continue to use the band 132-136 MHz until 1 January 1976. Until that date, frequency assignments to the aeronautical mobile (R) service shall be coordinated between the administrations concerned and shall be protected from harmful interference.

(274B) In Cuba and Mexico, the band 132-136 MHz is also allocated to the fixed and mobile services.

(281A) For the use of the band 136-137 MHz, see Recommendation No. 7A.

(281AA) In Bulgaria, China, Cyprus, Korea, Spain, Ethiopia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Kenya, Kuwait, Malaysia, Uganda, Pakistan, Philippines, Poland, Portugal, the United Arab Republic, Roumania, Senegal, Syria, Tanzania, Czechoslovakia, and the U.S.S.R., the band 136-137 MHz is also allocated to the fixed and mobile services.

(281E) in Malaysia, Pakistan, and the Philippines, the band 137-138 MHz is also allocated to the fixed and mobile services.

(283A) In Argentina, the frequency 138.540 MHz ± 7.5 kHz and the band 143.6-143.65 MHz may be used by the space research service (telecommand), subject to agreement between the administration concerned and those having services operating in accordance with the table, which may be affected.

(285A) The band 148-149.9 MHz may be authorized for space telecommand, subject to agreement between the administrations conerned and those having services operating in accordance with the table, which may be affected. The bandwidth of an individual transmission shall not exceed ± 15 kHz.

(285B) In Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Pakistan, Poland, the United Arab Republic, Roumania, and Yugoslavia, the band 149.90-150.05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa 8).

(285C) Emissions of the radionavigation-satellite service in the bands 149.90-150.05 MHz and 399.90-400.05 MHz may also be used by receiving earth stations of the space research service.

(287) The frequency 156.8 MHz is the international distress, safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band on each side of the frequency 156.8 MHz is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands 156.025-157.425 MHz, 160.625-160.975 MHz and 161.475-162.025 MHz, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radio communication service.

However, the frequency bands in which priority is given to the maritime mobile service may be used for radio communications on inland waterways, subject to agreements between interested and affected administrations and taking into account current frequency usage and existing agreements.

[*Footnote 287 amended and 287A deleted eff. 12-12-77; II(76)-3*]

(294) The band 183.1-184.1 MHz is also allocated, and on a secondary basis, to the space research service.

(305A) In New Zealand the band 235-239.5 MHz is also allocated to the aeronautical radionavigation service.

(308A) the bands 240-328.6 MHz and 335.4-399.9 MHz may also be used by the mobile-satellite service. The use and development of this service shall be subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(309A) Space stations employing frequencies in the band 267-273 MHz for telemetering purposes may also transmit tracking signals in the band.

(309B) In the band 267-272 MHz individual administrations may use space telemetering in their countries on a primary basis, subject to the agreement of the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(310) Radio astronomy observations in the band 322-328.6 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in using this band.

(310A) In India, the band 322-328.6 MHz is also allocated to the radio astronomy service.

(311) Limited to Instrument Landing Systems (glide path).

(311A) In Bulgaria, Cuba, Greece, Hungary, Indonesia, Iran, Kuwait, Lebanon, the United Arab Republic, Syria, and Yugoslavia, the band 399.9-400.05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa 8).

(312B) In this band the standard frequency is 400.1 MHz. Emissions shall be confined in a band of ± 25kHz about this frequency.

(315A) Space stations employing frequencies between 401-402 MHz for telemetering purposes may also transmit tracking signals in this band.

(315C) In the band 401-403 MHz, earth exploration-satellite applications, other than the meteorological-satellite service, may also be used for earth-to-space transmissions on condition that no harmful interference is caused to stations operating in accordance with the table.

(317A) The band 406-406.1 MHz is reserved solely for the use and development of low-power (not to exceed 5W) emergency position-indicating radiobeacon (EPIRB) systems using space techniques.

(317B) In Austria, Bulgaria, Chile, Cuba, Ethiopia, Hungary, India, Iran, Kenya, Kuwait, Liechtenstein, Malaysia, Uganda, Poland, the United Arab Republic, Rwanda, Sweden, Switzerland, Syria, Tanzania, Czechoslovakia and in the U.S.S.R., the band 406-406.1 MHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(318) Radio altimeters may also be used until 31 December 1974 in the band 420-460 MHz. However, after this date, they may be authorized to continue to operate on a secondary basis except in the U.S.S.R. where they will continue to operate on a primary basis.

(318A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 460-470 MHz may be used, on a primary basis, by the meterological-satellite service subject to agreement among administrations concerned and those having services, or intending to introduce services, operating in accordance with the Table, which may be affected.

(319A) The band 449.75-450.25 MHz may be used for space telecommand and space research (earth-to-space), subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(319B) In France and the French Department of Guyana (Region 2) the frequency 434 MHz ± 0.25 MHz may be used for space operation (earth-to-space) subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected.

(320A) In the band 435-438 MHz, the amateur-satellite service may be authorized, on condition that harmful interference shall not be caused to other services operating in accordance with the table. Administrations authorizing such use shall ensure that any harmful interference caused by emissions from an amateur satellite is immediately eliminated in accordance with the provisions of No. 1567A.

(324A) It is intended that meteorological-satellite space stations operating in this band shall transmit to selected earth stations. The location of such earth stations is subject to agreement among administrations concerned and those having services operating in accordance with the Table, which may be affected.

(324B) Earth exploration-satellite service applications, other than the meteorological-satellite service, may also be used in the bands 460-470 MHz and 1690-1700 MHz for space-to-earth transmissions on condition that no harmful interference is caused to stations operating in accordance with the table.

(329A) In Argentina and Uruguay, the band 602-608 MHz is allocated to the radio astronomy service.

(332) In Region 1, except the African Broadcasting Area, the band 606-614 MHz, and in Region 3, the band 610-614 MHz may be used by the radio astronomy service. Administrations shall avoid using the band concerned for the broadcasting service as long as possible, and thereafter, as far as practicable, shall avoid the use of such effective radiated powers as will cause harmful interference to radio astronomy observations.

In Region 2, the band 608-614 MHz is reserved exclusively for the radio astronomy service until the first Administrative Radio Conference after 1 January 1974 which is competent to review this provision; however, this provision does not apply to Cuba.

(332A) Within the frequency band 620-790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service, subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected (see Resolutions Nos. Spa 2-2 and Spa 2-3). Such stations shall not produce a power flux density in excess of the value —129 dBW/m^2 for angles of arrival less than 20° (see Recommendation No. Spa 2-10) within the territories of other countries without the consent of those countries.

(339A) Specific portions of the frequency band 900-960 MHz may also be used, on a secondary basis, for experimental purposes in connection with space research.

(340) In Region 2, the frequency 915 MHz is designated for industrial, scientific, and medical purposes. Emissions must be confied within the limits of ±13 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(341) The band 960-1215 MHz is reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(346) The use of the bands 1300-1350 MHz, 2700-2900 MHz and 9000-9200 MHz by the aeronautical radionavigation service is restricted to ground-based radars and in the future, to associated airborne transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

(349A) Radio astronomic observations on the Hydrogen line displaced towards lower frequencies are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 1350-1400 MHz.

(350A) Space stations employing frequencies in the band 1525-1535 MHz for telemetering purposes may also transmit tracking signals in this band.

(350D) In Cuba, the band 1525-1535 MHz is also allocated, on a primary basis, to the mobile service.

(352A) The bands 1558.5-1636.5 MHz, 4200-4400 MHz, 5000-5250 MHz, and 15.4-15.7 GHz are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

(352B) The bands 1558.5-1636.5 MHz, 5000-5250 MHz, and 15.4-15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space radiocommunication techniques. Such use and development is subject to agreement and coordination between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(352E) The use of the band 1535-1542.5 MHz is limited to transmissions from space to earth stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from coast stations directly to ship stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the satellite-to-ships links.

(352F) The use of the band 1542.5-1543.5 MHz is limited to transmissions from space-to-earth stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from land stations directly to mobile stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

(352G) The use of the band 1543.5-1558.5 MHz is limited to transmissions from space-to-earth stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

(352H) The use of the band 1636.5-1644 MHz is limited to transmissions from earth-to-space stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from ship stations directly to coast stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the ship-to-satellite links.

(352I) The use of the band 1644-1645 MHz is limited to transmissions from earth-to-space stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from mobile stations directly to land stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

(352J) The use of the band 1645-1660 MHz is limited to transmissions from earth-to-space stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

(352K) Radio astronomy observations on important spectral lines due to the hydroxyl radicle OH at frequencies 1612.231 MHz and 1720.530 MHz are carried out in a number of countries under national arrangements; the bands observed being 1611.5-1612.5 MHz and 1720-1721 MHz, respectively. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the bands 1558.5-1636.5 MHz and 1710-1770 MHz.

(353A) In view of the successful detection of two hydroxyl spectral lines in the regions of 1665 MHz and 1667 MHz by astronomers, administrations are urged to give all practicable protection in the band 1660-1670 MHz for future research in radio astronomy particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1665.4-1668.4 MHz as soon as practicable.

(354A) In Bulgaria, Cuba, Ethiopia, Hungary, Israel, Jordan, Kenya, Kuwait, Lebanon, Uganda, Pakistan, Poland, the United Arab Republic, Roumania, Syria, Tansania, Czechoslovakia, the U.S.S.R., and Yugoslavia, the bands 1660-1670 MHz and 1690-1700 MHz are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(354D) The band 1700-1700.2 MHz may be used, on a secondary basis, for the transmission from space stations on board satellites of frequencies harmonically related to those emitted in the bands 149.9-150.05 MHz and 399.9-400.05 MHz for the requirements of ionospheric investigation and geodesy.

(356A) In Region 2, in Austrialia and Japan the band 1750-1850 MHz may also be used for earth-to-space transmissions, and in Regions 2 and 3 the band 2200-2290 MHz may also be used for space-to-earth transmissions, in the space research service subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(356AA) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the meterological-satellite service, in the band 1770-1790 MHz, shall be on a primary basis, subject to coordination with the administration concerned and those having services operating in accordance with the Table, which may be affected by the siting of earth stations.

(356AB) In Regions 2 and 3 and in Spain, in the band 2025-2120 MHz earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radiocommunication services in the band and subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(356ABA) In Region 2, Australia and Spain in the band 2025-2120 MHz and in Regions 1 and 3 in the band 2110-2120 MHz earth-to-space transmissions in the space research service may be authorized with equality of right to operate with other space radiocommunication services in these bands, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(357) The frequency 2450 MHz is designated for industrial, scientific and medical purposes except in Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., where the frequency 2375 MHz is used. Emissions must be confined within ±50 MHz of the frequencies designated. Radiocommunications services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(361A) In France the band 2500-2550 MHz is also allocated on a primary basis to the radiolocation service and, on a secondary basis, to the fixed and mobile services. In Canada, the band 2500–2550 MHz is also allocated on a primary basis to the radiolocation service.

(361B) The use of the band 2500–2690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception and such use is subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected (see Resolutions Nos. Spa 2-2 and Spa 2-3). The power flux density at the earth's surface shall not exceed the values given in Nos. 470NH–470NK.

(364A) In Bulgaria, Cuba, Hungary, India, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Yogoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 2690–2700 MHz is also allocated to the fixed and mobile services.

(364C) When planning new tropospheric scatter radio-relay links in the band 2500-2690 MHz, all possible measures shall be taken to avoid directing the antennae of these links towards the geostationary satellite orbit.

(364D) Administrations shall make all practicable effort to avoid developing new tropospheric scatter systems in the band 2655–2690 MHz.

(354E) The use of the bands 2500–2535 MHz and 2655–2690 MHz by the fixed-satellite service is limited to domestic and regional systems and such use is subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected (see Article 9A). In the direction space-to-earth, the power flux density at the surface of the earth shall not exceed the values given in No. 470NE.

(364G) Radio astronomy observations are being carried out in the band 2670–2690 MHz in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(364H) In the design of systems in the broadcasting-satellite service, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2690–2700 MHz.

(366) In the band 2700–2900 MHz ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the aeronautical radio-navigation service.

(367) The use of the band 2900–3100 MHz by the aeronautical radionavigation service is limited to ground-based radars.

(367A) In the bands 2900–2920 MHz and 9300–9320 MHz in the maritime radionavigation service, the use of shipborne radars other than those existing on 1 January 1976 is not permitted.

(367B) In the bands 2920–3100 MHz and 9320–9500 MHz in the maritime radionavigation service, the use of fixed-frequency radar beacons on land or at sea is not permitted.

[Footnotes 367A & B added eff. 12-12-77; II(76)-3]

(369) In the band 3100–3300 MHz, existing racons and shipborne radars in merchant ships may operate within the band 3100–3266 MHz.

(379A) The standard frequency-satellite service and the time signal-satellite service may be authorized to use the frequency 4202 MHz for space-to-earth transmissions and the frequency 6427 MHz for earth-to-space transmissions. Such transmissions shall be confined within the limits of ±2 MHz of these frequencies and shall be subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(382A) Radio astronomy osbervations on the formaldehyde line (rest frequency 4829.649 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 4825–4835 MHz.

(382B) Radio astronomy observations (in the band 4950–4990 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(383A) In Cuba, the band 4990–5000 MHz is also allocated to the fixed and mobile services, and the provisions of No. 233B apply.

(383B) The band 5000–5250 MHz is also allocated to the fixed-satellite service for connection between one or more earth stations at specified fixed points on the earth and satellites used by the aeronautical mobile (R) service and/or the radio determination service. Such use and development shall be subject to agreement and coordination between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(385) The use of the band 5350–5470 MHz by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(387) Between 5600 and 5650 MHz, ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the maritime radionavigation service.

(388) In the Federal Republic of Germany, the band 5650–5775 MHz is allocated to the amateur service and the band 5775–5850 MHz is allocated to the fixed service.

(389A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 5670–5725 MHz.

(391) The frequency 5800 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(391A) Radio astronomy observations are being carried out in the bands 5750–5770 MHz and 36.458–36.488 GHz in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in these bands from harmful interference.

(392AA) In Brazil, Canada, and the United States of America, the band 6625–7125 MHz is also allocated on a secondary basis to the fixed-satellite service for space-to-earth transmissions. In Region 2, the power flux density produced by space stations in this band shall be in accordance with the provisions of No. 470NM. In Regions 1 and 3, it shall be at least 6 dB lower. Receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

(392B) The band 7145–7235 MHz may be used for earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be effected.

(392D) As an exception, passive fixed-satellite systems also may be accommodated in the band 7250–7750 MHz subject to:

(a) Agreement between the administrations concerned and those whose services, operating in accordance with the table, may be effected;

(b) The coordination procedure laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by fixed or mobile services. Power flux density limitations at the earth's surface after reflection from the passive fixed-satellites shall not exceed those prescribed in these regulations for active fixed-satellite systems.

(392G) In Algeria, Austria, Bulgaria, Cyprus, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Liberia, Malaysia, Morocco, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7250–7300 MHz is also allocated to the fixed and mobile services.

(392H) In Algeria, Bulgaria, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Morocco, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7975–8025 MHz is also allocated to the fixed and mobile services.

(393) In Italy, the band 6450–6575 MHz is also allocated to the radiolocation service.

(396) The use of the band 8750-8850 MHz by the aeronautical radionavigation service is limited to airborne Doppler navigation aids on a centre frequency of 8800 MHz.

(399) The use of the band 9300-9500 MHz by the aeronautical radionavigation service is limited to airborne weather radars, and ground-based radars. In this band ground-based radars used for meterological purposes have priority over other radiolocation devices.

(401A) The band 9975-10025 MHz may be used by weather radar on meterological-satellites.

(404) Limited to continuous wave systems.

(405B) In Algeria, Bulgaria, Cuba, Hungary, Japan, Kuwait, Lebanon, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 10.68-10.7 GHz is also allocated to the fixed and mobile services.

(405BB) Terrestrial radiocommunication services in the band 11.7-12.2 GHz in Region 2 shall be introduced only after the elaboration and approval of plans for the space radiocommunication services, so as to insure compatibility between the uses that each country decides for this band.

(405BC) The use of the band 11.7-12.2 GHz by the broadcasting-satellite and fixed-satellite services is limited to domestic systems and is subject to previous agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected (see Article 9a and Resolution No. Spa 2-3).

(406) Limited to Doppler navigation aids.

(407A) the band 13.25-14.2 GHz may also used on a secondary basis for earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(408A) The use of the bands 14-14.3 GHz and 14.3-14.4 GHz by the radionavigation service and radionavigation-satellite service respectively, shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation No. Spa 2-15, Para. 2.14).

(408B) The band 14.4-15.35 GHz may also be used on a secondary basis for space-to-earth transmission in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected.

(408C) Radio astronomy observations on the formaldehyde line (rest frequency 14.489 GHz) are being carried out in a number of countries under national arrangements. In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astromony observations from harmful interference in the band 14.485-14.515 GHz.

(409C) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.35-15.4 GHz is also allocated to the fixed and mobile services.

(409E) In Japan, the bands 19.7-21.2 GHz and 29.5-31 GHz are also allocated to the fixed and mobile services. This additional use shall not impose any limitation to the power flux density of space stations in the fixed-satellite service.

(410A) The band 22.21-22.26 GHz is also allocated to the radio astronomy service for observations of a spectral line due to water vapor (rest frequency 22.235 GHz). Administrations are urged to give all practicable protection in this band for future research in radio astronomy.

(410C) The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrail, scientific and medical equipment.

(411) In the band 24.25-25.25 GHz, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

(412A) In Bulgaria, Cuba, Hungary, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 31.3-31.5 GHz is also allocated to the fixed and mobile services.

(412B) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31.8-32.3 GHz.

(412C) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 34.2-35.2 GHz.

(412D) The band 34.4-34.5 GHz may be used by weather radar devices on meterological satellites for the detection of cloud.

(412E) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 36.5-37.5 GHz is also allocated to the radio astronomy service.

(412F) In Cuba and India, the band 33-33.4 GHz is also allocated to the radio astronomy service.

(412G) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 33.4-34 GHz is also allocated to the radio astronomy service.

(412H) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the band 31-31.3 GHz.

(412I) Radio astronomy observations in the band 31.2-31.3 GHz are carried out in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(412J) All emissions in the bands 52-54.25 GHz, 58.2-50 GHz, 64-65 GHz, 86-92 GHz, 101-102 GHz, 130-140 GHz, 182-185 GHz, and 230-240 GHz, are prohibited. The use of passive sensors by other services is also authorized.

(412K) Radio astronomy observations on the carbon monoxide line at 115.271 GHz are carried out in a number of countries under national arrangements. In making assignments to other services in the Table, administrations should bear in mind the need to protect radio astronomy observations from harmful interference in the band 115.16-115.38 GHz.

NG FOOTNOTES

NG1 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the Table of Frequency Allocations, on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5. In any area in the continental United States (excluding Alaska), the aviation service and marine service may each be authorized to use four of the frequencies in the bands 72-73 and 75.4-76 MHz listed in column 10 for operational fixed stations in these services.

NG2 Facsimile broadcasting stations may be authorized in the band 88-108 MHz.

NG3 Fixed stations in the domestic fixed public service and control stations in the domestic public radio services may be authorized to use any of the frequencies in the band 72-73 and 75.4-76 MHz indicated in column 10 on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 152.34-153.38 MHz may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interferences will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG5 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27-157.47 MHz or on the frequencies 161.85, 161.91 or 161.97 MHz may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51-161.79 MHz in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05–161.37 MHz. No new public radio service system will be authorized to operate on these frequencies.

NG8 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocation.

NG9 Aural braodcast intercity relay stations may be authorized to use the band 947–952 MHz on the condition that harmful interference will not be caused to other classes of stations operating in accordance with the Table of Frequency Allocations.

NG10 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

[NG 11 deleted eff. 9-22-78; II(76)-4]

NG12 Frequencies in the bands 454.40–455 MHz and 459.40–460 MHz may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radiotelephone service.

NG14 Stations in the radiolocation service shall not cause harmful interference to stations in the disaster communications service between sunset and sunrise or at any time during an actual or imminent disaster. Conversely, stations in the disaster communications service shall not cause harmful interference to stations in the radiolocation service between sunrise and sunset except during an actual or imminent disaster.

NG15(a) The Amateur Service may use the sections of the band 1800–2000 kHz which are not required for LORAN-A in accordance with the following conditions:

(1) The use of these frequencies by the Amateur Service shall not be a bar to the expansion of the radionavigation (LORAN-A) service;

(2) The Amateur Service shall not cause harmful interference to the radio navigation (LORAN-A) service;

(3) Only types A1 and amplitude modulated double and single sideband telephony emission shall be employed;

(4) Amateur operation shall be limited to:

State(s)	Maximum DC plate input power in watts (kilohertz)			
	1900 to 1925	1925 to 1950	1950 to 1975	1975 to 2000
	Day/night	Day/night	Day/night	Day/night
Maine, Massachusetts, New Hampshire, Rhode Island	100/25	0	0	100/25
Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Vermont	200/50	0	0	200/50
Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia	500/100	0	0	500/100
Florida, Georgia, Illinois, Indiana, Michigan, Wisconsin	500/100	100/25	100/25	500/100
Alabama, Arkansas, Iowa, Minnesota, Mississippi, Missouri	1000/200	200/50	200/50	1000/200
The remainder of the States and territories	1000/200	1000/200	1000/200	1000/200

[NG 15 (a) (4) amended eff. 3-13-79; II(76)-5]

(b) This footnote shall be considered as temporary in the sense that is shall remain subject to cancellation or to revisions, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary of desirable in the light of the priority within this band of the LORAN-A system of radionavigation.

NG16 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG17 Stations in the Land Transportation Radio Services authorized as of May 15, 1958 to operate on the frequency 161.61 MHz may, upon proper appllication, continue to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorization in the maritime mobile service. No new Land Transportation Radio Service system will be authorized to operate on 161.16 MHz.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operation in accordance with the Table of Frequency Allocations.

NG20 Fixed stations in the public safety radio serice may be authorized the use of frequencies in the band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG21 In Hawaii, the frequency bands 76–88 MHz and 98–108 MHz are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only. Spacing between assignable frequencies is not specified.

NG22 The frequency 2182 kHz may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG23 Frequencies in the band 2100–2200 MHz may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitude in the State of Florida and in U.S. Possessions in the Caribbean area, provided, however, no new assignments in the band 2150–2162 MHz will be made to such stations after February 25, 1974.

NG24 On condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.35, 156.45 and 156.55 MHz. In each case, however, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall be protected from harmful interference from the land mobile service.

NG25 The frequency 6147.5 kHz may be authorized for simplex operation by non-Government coast and ship radiotelephone stations operating in the Mississippi River system on the condition that harmful interference shall not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG26 In Puerto Rico and the Virgin Islands only, the bands 154.04–154.46 MHz and 161.385–161.875 MHz are allocated exclusively to (a) aeronautical fixed service, (b) domestic fixed public service, and (c) international fixed public service and are not available to the mobile services.

NG27 The carrier frequencies 6451.9 and 6455.0 kHz may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations and that any interference from such services must be accepted.

NG28 The frequency band 160.86-161.40 MHz is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only on a shared basis with the land transportation radio service.

NG30 Stations in the international fixed public radio-communication service in Florida, south of 25°30′ north latitude, may be authorized to use frequencies in the band 716-890 MHz on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG31 The spacing between frequency assignments in this band shall be 10 kHz. The first and last assignable frequencies are those indicated in column 10.

NG32 The spacing between frequency assignments in this band shall be 20 kHz. The first and last assignable frequencies are those indicated in column 10.

NG34 The spacing between frequency assignments in this band shall be 50 kHz. The first and last assignable frequencies are those indicated in column 10.

NG35 The spacing between frequency assignments in this band shall be 100 kHz. The first and last assignable frequencies are those indicated in column 10.

NG36 The spacing between frequency assignments in this band shall be 200 kHz. The first and last assignable frequencies are those indicated in column 10.

NG38 The frequencies 152.30, 152.36, 152.42, 157.56, 157.62, and 157.68 MHz may be assigned exclusively to stations in the industrial radio service outside standard metropolitan areas of 50,000 or more population.

NG40 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890-942 MHz may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 947-952 MHz provided the bandwith of emission does not exceed 1100 kHz and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 947-952 MHz is likely to result in the elimination of the interference occurring in the band 890-942 MHz, and will not cause interference to existing operations in the band 947-952 MHz.

NG41 Frequencies in the bands 3700-4200 MHz, 5925-6425 MHz, and 10.7-11.7 GHz may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

NG43 Fixed stations in the domestic public radio services in Alaska, south of 56° north latitude and east of 134° west longitude, may be authorized to use frequencies in the band 800-830 MHz, in the condition that harmful interference will not be caused to the broadcasting service of any country.

NG44 Under exceptional circumstances, the frequencies 2638 and 2738 kHz may be authorized to coast stations.

NG45 In the 2150-2160 MHz band, operational fixed stations are limited to omnidirectional operations only.

NG47 In the band 2500-2690 MHz, the television channels 2650-2656 MHz, 2662-2668 MHz, and 2674-2680 MHz and the corresponding response frequencies 2686.9375 MHz, 2687.9375 MHz and 2688.9375 MHz may be assigned to operational fixed stations in the public safety services (Part 89 of this chapter) on a primary basis and to operational fixed stations in other services on a secondary basis. Such assignments are subject to the condition that all operational fixed stations must comply with the technical standards applicable to stations in the instructional television fixed service contained in Subpart I of Part 74 of this chapter. All other frequencies in this band for terrestrial operations are available for assignment only to stations in the instructional television fixed service. Stations authorized in this band as of July 16, 1971, which do not comply with the above provisions may continue to operate on their presently assigned frequencies on a co-equal basis with other stations operating in accordance with the table of frequency allocations. Requests for subsequent license renewals or modifications of existing licenses will be considered; however, expansion of systems comprised of such stations will not be permitted. In Alaska, however, frequencies within the band 2655-2690 MHz are not available for assignment to terrestrial stations.

NG49 The following frequencies may be authorized for low-powered (1 watt input) mobile operations in the radio services shown subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5:

MANUFACTURERS RADIO SERVICE

MHz	MHz	MHz	MHz
72.02	72.12	72.22	72.32
72.04	72.14	72.24	72.34
72.06	72.16	72.26	72.36
72.08	72.18	72.28	72.38
72.10	72.20	72.30	72.40

SPECIAL INDUSTRIAL RADIO SERVICE, MANUFACTURERS RADIO SERVICE, RAILROAD RADIO SERVICE

MHz	MHz	MHz	MHz
72.44	72.56	75.43	75.56
72.48	72.60	75.52	75.60
72.52	75.44		

NG50 In the band 25.07-25.11 MHz, stations in the Industrial Radio Services shall not cause harmful interference to, and must accept interference from, stations in the Maritime Mobile Service operating in accordance with the International table of frequency allocations.

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8-150.98-MHz and 150.98-151.49 MHz are allocated exclusively to the business radio service.

NG52 Stations used for transmission of program material to cable television (CATV) systems, which are authorized to operate in the band 12.2-12.7 GHz on November 22, 1965, may continue to be authorized to so operate until August 1, 1980, under the conditions specified in that license.

NG53 In the band 12.7-13.15 GHz television pickup stations and CARS pickup stations shall be assigned channels on a co-equal basis and shall operate on a secondary basis to fixed stations operating in accordance with the Table of Frequency Allocations. In the 13.15-13.20 GHz band television pickup stations shall be assigned on an exclusive basis in the top one hundred markets, as set out in Section 76.51.

[NG 53 amended eff. 7-6-79; II (76)-5]

NG56 The frequencies 72.08, 72.16, 72.24, 72.32, 72.40, 72.96, and 75.64 MHz may be authorized for low powered (1-watt input) mobile operations in the Personnel Radio Services for radio control of models subject to the condition that interference will not be caused to remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television stations operating on Channels 4 or 5. TV interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signals or the distance to the television station.

NG57 The frequency bands 154.4525-154.46 MHz, 154.46-154.4675 MHz and 154.4675-154.4750 MHz may also be assigned to fixed stations.

NG58 Low-power broadcast auxiliary stations licensed pursuant to the provisions of § 74.437 of this chapter may be authorized to operate in the band 947-952 MHz subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations.

NG59 The frequencies 37.60 and 37.84 MHz may be authorized only for use by base, mobile, and operational fixed stations participating in an interconnected or coordinated power service utility system.

NG60 Frequencies in this band may be authorized for communication with helicopters in support of off-shore drilling operations on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG61 Frequencies in this band may be authorized for flight test purposes on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG62 Consistent with Resolution 10, Radio Regulations, Geneva, 1959, interregional amateur contacts in this band should be limited to that portion between 7000 and 7100 kHz. In the band 7100 to 7300 kHz, the provisions of No. 117 of the Radio Regulations, Geneva, 1959, are applicable. In addition, 7100 to 7300 kHz is not available in the following U.S. possessions: Baker, Canton, Enderbury, Guam, Howland, Jarvis, Northern Mariana Islands, Palmyra, American Samoa and Wake Islands.

[*NG62 amended eff. 3-18-79; II (76)-5*]

NG63 Television Broadcast translator stations holding valid licenses on November 15, 1971, to operate in the frequency band 806-890 MHz (channels 70-83), may continue to operate in this band, pursuant to periodic license renewals, on a secondary basis to the land mobile radio service.

NG64 Broadcast auxiliary stations licensed as of July 10, 1970, to operate in the frequency band 942-947 MHz may continue to so operate pending a decision as to their disposition through a future rule making proceeding.

NG66 The frequency band 470-512 MHz is allocated use in the Broadcasting and Land Mobile Radio Services. In the Land Mobile Services it is available for assignment in the Domestic Public, Public Safety, Industrial, and Land Transportation Radio Services at, or in the vicinity of 13 urbanized areas of the United States, as set forth in the table below, and subject to the standards and conditions set forth in Parts 21, 89, 91, and 93 of this chapter.

Urbanized area	*TV channel*
New York-Northeastern New Jersey	14, 15
Los Angeles	14, 20
Chicago-Northwestern Indiana	([1])
Philadelphia, Pa.-New Jersey	([1])
Detroit, Mich	15, 16
San Francisco-Oakland, Calif	16, 17
Boston, Mass	14, 16
Washington, D.C.-Maryland-Virginia	17, 18
Pittsburgh, Pa	14, 18
Cleveland, Ohio	14, 15
Miami, Fla	14
Houston, Tex	17
Dallas, Tex	16

[1] The specific channel availability will be designated following the conclusion of a separate proceeding.

NG67 The spacing between frequency assignments in this band shall be 25 kHz. The first and last assignable frequencies are those indicated in column 10.

NG70 In Puerto Rico and the Virgin Islands only, the bands 159.240-159.435 and 160.410-160.620 MHz are also available for assignment to base stations and mobile stations in the Special Industrial Radio Service.

NG101 The use of the band 2500-2690 MHz by the broadcasting satellite service is limited to domestic and regional systems for community reception of educational television programing and public service information. Such use is subject to agreement among administrations concerned and those having services operating in accordance with the table, which may be affected. Unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed those values set forth in Part 73 of the rules for this frequency band.

NG102 The frequency bands 2500-2535 MHz (space-to-earth) and 2655-2690 MHz (earth-to-space) are allocated for use in the fixed-satellite service as follows:

(a) For common carrier use in Alaska, for intra-Alaska service only, and, in the mid and western Pacific area including American Samoa, the Trust Territory of the Pacific Islands, Guam and Hawaii;

(b) For educational use in the contiguous United States, Alaska, and the mid and western Pacific area including American Samoa, the Trust Territory of the Pacific Islands, Guam and Hawaii;

Such use is subject to agreement with administrations having services operating in accordance with the table, which may be affected. In the band 2500-2535 MHz, unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed the values set forth in Part 25 of the rules for this frequency band.

NG103 In the band 6625-7125 MHz, the fixed-satellite service (space-to-earth) has equal rights with the fixed and mobile services within the United States. Internationally, however, it is secondary with respect to the services of other countries operating in accordance with the table and receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

NG104 The use of the bands 10.95-11.2 and 11.45-11.7 GHz in the fixed-satellite service is limited to international systems, i.e., other than domestic systems.

NG105 Pending adoption of specific rules concerning sharing of the band 11.7-12.2 GHz between the Broadcasting-Satellite and Fixed-Satellite Services, systems in the latter Service may be authorized on a case-by-case basis subject to the condition that adjustments in certain system design or technical parameters (including but not limited to orbital location, channel use, etc.) may become necessary during the system lifetime in order to accommodate use of the band by systems of the same or other service.

NG106 In the band 18.36-19.04 GHz, frequencies in the band segments 18.36-18.58 GHz and 18.82-19.04 GHz may be assigned for use by operational fixed stations, only on condition that suitable alternative frequencies in the band segment 18.58-18.82 GHz are not available for assignment to such stations.

NG107 In the band 21.2-23.6 GHz, frequencies in the band segments 21.8-22.4 GHz and 23.0-23.6 GHz may be assigned to domestic fixed public stations, only on condition that suitable alternative frequencies in the band segments 21.2-21.8 GHz and 22.4-23.0 GHz are not available for assignment to such stations. Similarly, frequencies in the band segments 21.2-21.8 GHz and 22.4-23.0 GHz may be assigned to operational fixed stations, only on condition that suitable alternative frequencies in the band segments 21.8-22.4 GHz and 23.0-23.6 GHz are not available for assignment to such stations.

NG111 The band 157.4375-157.4625 MHz may be used for one-way paging operations in the Special Emergency Radio Service.

NG112 The frequencies 25.04, 25.08, 150.980, 154.585, 159.480, 158.445, 454.000, and 459.000 MHz may be authorized to stations in the Petroleum Radio Service for use primarily in oil spill containment and cleanup operations and secondarily in regular land mobile communication.

NG 114 In the offshore Louisiana Gulf Coast area, the band 488-494 MHz (TV Channel 17) is allocated to the Domestic Public and Industrial Radio Service in accordance with the regulation set forth in Parts 21 and 91, respectively.

NG 115 In the 174 to 216 MHz band wireless microphones may be authorized to operate on a secondary, non-interfering basis, subject to terms and conditions set forth in Part 74 of these Rules and Regulations.

NOTE.—NG 116 Bandedge frequencies 152.465 and 157.725 MHz are shared between the Industrial and Land Transportation Radio Services subject to terms and conditions set forth in pts. 91 and 93 of these rules and regulations.

NG118 Television translator relay stations may be authorized to use frequencies in this band on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

[*NG118 added eff. 9-22-78; II(76)-4***]**

NG119 Specified frequencies in the band 156.025—156.250 MHz may be assigned to stations in the maritime mobile service for commercial and port operations purposes within certain Coast Guard designated Vessel Traffic Services (VTS) radio protection areas, or parts thereof, listed in §§ 81.357 and 83.361.

[*US 119 added eff. 10-29-79a***]**

NG 120 Frequencies in the 928-929 and 952-960 MHz bands may be assigned for multiple address systems as specified in Part 94.

NG 121 The maritime mobile use of this band is limited to operation along the Mississippi River and connecting waterways.

NG 124 In the Public Safety Radio Service allocations within the bands 30-50 MHz, 150-174 MHz, and 450-470 MHz, Police Radio Service licensees are authorized to operate low powered radio transmitters on a secondary, non-interference basis in accordance with the provisions of §§ 2.803 and 90.19 (f)(5) of the rules.

U.S. FOOTNOTES

US1 In the bands 26.96-27.23, 28-29.7, 50-54, and 144-148 MHz pulsed emissions are prohibited.

US7 In the band 420-450 MHz and within the following areas, the DC plate power input to the final stage of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°53′ North, on the east by longitude 105°40′ West, on the north by latitude 33°24′ North, and on the west by longitude 106°40′ West;

(b) The entire State of Florida including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida (latitude 28°21′ North, longitude 80°43′ West), and within a 200-mile radius of Eglin Air Force Base, Florida (latitude 30°30′ North, longitude 86°30′ West);

(c) The entire State of Arizona;

(d) Those portions of California and Nevada south of latitude 37°10′ North, and the areas enclosed within a 200-mile radius of the U.S. Naval Missile Center, Point Mugu, California (latitude 34°09′ North, longitude 119°11′ West).

(e) In the State of Massachusetts within an 80-kilometer (50 mile) radius around locations at Otis Air Force Base, Massachusetts (latitude 41°45′ N., longitude 70°32′ W.).

(f) In the State of California within an 80-kilometer (50 mile) radius around locations at Beale Air Force Base, California (latitude 39°08′ N., longitude 121°26′ W.).

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 MHz east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225, and 172.375 MHz west of the Mississippi River may be authorized to fixed land and mobile stations operated by non-Federal forest fire-fighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 MHz east of the Mississippi River and the frequency 171.475 MHz west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US10 The use of frequencies 26.62, 143.90, and 148.15 MHz may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations.

US11 The use of the frequencies 136.250 and 170.150 MHz may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance is not to exceed 25 kHz, except that authorizations in existence as of December 20, 1974, using a larger bandwidth are permitted to continue in operation until December 20, 1979) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Illinois, and radius equal to the airline distance between Springfield, Illinois, and Montgomery, Alabama, subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162 174 MHz. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and use of those frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations.

MHz	*MHz*	*MHz*
169.425	171.025	406.125
169.450	171.050	406.175
169.475	171.075	409.675
169.500	171.100	409.725
169.525	171.125	412.625
170.225	171.825	412.675
170.250	171.850	412.725
170.275	171.875	412.775
170.300	171.900	
170.325	171.925	

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375, or 171.975 MHz may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

Licensees holding a valid authorization on January 1, 1973, to operate on the frequencies 406.025, 406.050, or 406.075 MHz may continue to be authorized for such operations until the expiration of their present license on the condition that harmful interference will not be caused to stations operating in accordance with the table.

NOTE.—US14 When 500 kHz is being used for distress purposes, ship and coast stations may use 512 kHz for calling except in inland waters.

[*US14 amended eff. 10-29-79***]**

US15 The use of the frequency 540 kHz is subject to the conditions that no harmful interference is caused to the services operating on 500 kHz, and in the band 510-535 kHz.

US17 For the radiolocation activities of the petroleum industry only, radiolocation land stations and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of the frequencies 230 MHz, 250 MHz and 310 MHz only until October 1, 1971, at locations within 150 miles of the respective ocean shorelines of Alaska and the contiguous 48 states (including the areas in and about bays and sounds), provided that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocation and provided that SHORAN operations are coordinated locally with Federal Government authorities making use of frequencies in this band in the same area. As of January 1, 1971, no new authorizations will be granted for SHORAN operation on these frequencies.

US18 Navigation aids in the U.S. and possessions between 90 and 110 kHz, 190 and 525 kHz, and 1800 and 2000 kHz, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

[US118 amended eff. 10-29-79]

US19 In the band 405-415 kHz, stations in the aeronautical mobile service shall not cause harmful interference to stations in the radionavigation service.

US20 In Alaska, Government stations in the fixed service may be authorized to use frequencies in the band 72-73 and 75.4-76 MHz on the condition that harmful interference will not be caused to the reception of TV channel 4.

US21 Existing Government operations and non-Government stations authorized in the band 73-74.6 MHz as of December 1, 1961, may continue and shall not be required to afford protection to radio astronomy observatories within the United States and possessions. However, by international agreement, such stations must afford protection to the observatories of other countries.

US23 In Alaska, the frequency bands 76-88 MHz and 88-100 MHz are allocated to the Government and non-Government fixed services.

US25 The use of frequencies in the band 25.85-26.1 MHz may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975-121.4125 MHz, 123.5875-128.8125 MHz, and 132.0125-136 MHz are for air traffic control communications.

US28 The band 121.5875-121.9375 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US30 The band 121.9375-123.0875 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below the band 121.9375-123.0875 MHz is for use by private aircraft stations.

The frequencies 122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz may be assigned to aeronautical advisory stations. In addition, at landing areas having a part-time or no airdrome control tower or FAA flight service station, these frequencies may be assigned on a secondary noninterference basis to aeronautical utility mobile stations, and may be used by FAA ground vehicles for safety related communications during inspections conducted at such landing areas.

[US 31 par(2) amended eff. 5-7-79; II(76)-5]

The frequency 122.850, 122,900 and 122,925 MHz may be assigned to aeronautical multicom stations. In the case of 122.925 MHz, US213 applies.

Air carrier aircraft stations may use 122.000 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.700, 122.8000, 123,000 and 122.900 MHz for communications pertaining to safety of flight with and in the vicinity of landing areas not served by a control tower.

[U.S. 31 par(4) amended eff. 2-23-79; II(76)-5]

Frequencies in the band 121.9375-122.6875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only except that 122.0 MHz may also be used for communication with air carrier stations concerning weather information.

US32 Except for the frequencies 123.3 and 123.5 MHz which are not authorized for Government use, the band 123.1125-123.5875 MHz is available for FAA Communications incident to flight test and inspection activities pertinent to aircraft and facility certification on a secondary non-interference basis.

US33 The band 123.1125-123.5875 MHz is for use by flight test and aviation instruction stations. The frequency 121.950 MHz is available for aviation instructional stations.

US34 The only non-Government service permitted in the bands 220-225 MHz, 1215-1300 MHz, 2300-2450 MHz, and 5650-5925 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US35 Except as provided for by footnotes 320A, US87, and US217, the only non Government services permitted in the band 420-450 MHz are the amateur service and the amateur satellite service. The amateur services shall not cause harmful interference to the Government radiolocation service.

US36 Non-Government stations in the fixed service, authorized to operate in the band 890-942 MHz and holding a valid authorization to so operate as of April 16, 1958, have since been granted renewal authorizations contingent upon the condition that each such station (1) accept any harmful interference that may be experienced from the operation of ISM equipment on 915 MHz or from the radiolocation service and (2) shall not cause harmful interference to the radiolocation service. Renewals of such authorizations after July 10, 1970, shall be contingent upon the additional condition that they be on a secondary basis with respect to the land mobile service.

US39 Within the band 1535-1660 MHz radio altimeters are permitted to use only the portion 1600-1660 MHz and then only until such time as international standardization of other aeronautical radionavigation systems or devices require the discontinuance of radio altimeters in this band.

US40 The band 1592.5-1622.5 MHz is allotted provisionally, but on a primary basis, for the collision avoidance function, noting the continued use of existing altimeters in the band 1600-1660 MHz.

US41 The Government radiolocation service is permitted in the band 2450-2500 MHz on the condition that harmful interference is not caused to non-Government services.

US42 Temporarily, and until certain operations of the radiolocation service in the band 2700-2900 MHz can be transferred to other appropriate frequency bands, the aeronautical radionavigation and meteorological aids services may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US43 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700-2900 MHz, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US44 The non-Government radiolocation service may be authorized in the band 2900-3100 MHz on the condition that no harmful interference is caused to Government services.

US47 The band 4200-4400 MHz is reserved exclusively for radio altimeters.

US48 The non-government radiolocation service may be authorized in the bands 5350-5460 MHz and 9000-9200 MHz on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460-5470 MHz on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470-5600 MHz on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the bands 5600-5650 MHz and 9300-9500 MHz the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US53 In view of the fact that the band 13.25–13.4 GHz is allocated to Doppler navigation aids, Government and non-Government airborne Doppler radars in the aeronautical radionavigation service are permitted in the band 8750–8850 MHz only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 MHz.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000–9200 MHZ can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US58 In the band 10,000–10,500 MHz, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations as specified in footnote US108.

US59 The band 10,500–10,550 MHz is restricted to systems using type A0 emission with a power not to exceed 40 watts into the antenna.

US65 The use of the band 5460–5650 MHz by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300–9500 MHz by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

US67 The use of the band 9300–9500 MHz by the meteorological aids service is limited to ground-based radars. Radiolocation installations will be coordinated with the meteorlogical aids service and insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US69 In the band 31.8–33.4 GHz, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400.15–406 MHz does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300–9320 MHz, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US72 Airport Surface Detection Equipments (ASDE's) in operation between 23.6 and 24.47 GHz as of June 1, 1970, may continue to operate on a primary basis and shall be protected from other authorized operations in this band.

US74 In the bands 21.85–21.87, 73–74.6, 406.1–410, 1400–1427, 1660–1670, 2690–2700, and 4990–5000 MHz and in the bands 10.68–10.7, 15.35–15.4, 23.6–24, 31.2–31.5, 86–92, 130–140, and 230–240 GHz, the radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US77 Government stations may also be authorized:

(a) Port operations use on a simplex basis by coast and ship stations of the frequencies 156.6 and 156.7 MHz;

(b) Duplex port operations use of the frequency 157.0 MHz for ship stations and 161.6 MHz for coast stations;

(c) Intership use of 156.3 MHz on a simplex basis, and

(d) Vessel traffic services under the control of the U.S. Coast Guard on a simplex basis by coast and ship stations on the frequencies 156.55, 156.6, 156.7 MHz.

US78 In the band 1435–1535 MHz, the frequencies between 1435 and 1485 MHz will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1535 MHz will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1435–1535 MHz is telemetry associated with launching and reentry into earth's atmosphere, as well as any incidental orbiting prior to reentry, of manned or unmanned objects undergoing flight tests.

US80 Government stations may use the frequency 122.9 MHz subject to the following conditions:

(a) All operation by Government stations shall be restricted to the purpose for which the frequency is authorized to non-Government stations, and shall be in accordance with the appropriate provisions of the Commission's rules and regulations. Part 87, Aviation Services;

(b) Use of the frequency is required for coordination of activities with Commission licensees operating on this frequency: and

(c) Government stations will not be authorized for operation at fixed locations.

US81 The band 38–38.25 MHz may be used by both Government and non-Government radio astronomy observatories. No new assignments are to be made and Government stations in the band 38–38.25 MHz will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused by radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with the view of effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of the Chief Engineer. Federal Communications Commission, Washington, D.C. 20554.

US82 The assignable frequencies in the bands 4139.5–4142.5 kHz, 6210.4–6216.5 kHz, 8281.2–8288 kHz 12421–12431.5 kHz, 16565–16576 kHz, and 22094.5–22112 kHz may be authorized on a shared nonpriority basis to Government and non-Government ship and coast stations (SSB telephone, with peak envelope power not to exceed 1kW).

US85 in the bands 117.975–123.0875 and 123.5875–136 MHz, the use and development, for the aeronautical mobile (R) services, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

US87 The frequency 450 MHz, with maximum emission bandwith of 500 kHz, may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be applied on a case-by-case basis.

US88 The band 608–614 MHz is reserved exclusively for the radio astronomy service until the first Administrative Radio Conference after January 1, 1974, which is competent to review this provision. The radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US90 In the band 2025–2120 MHz earth-to-space transmissions in the space research and earth exploration-satellite services by Government and non-Government stations at specific locations may be authorized subject to such conditions as may be applied on a case-by-case basis.

US93 In the coterminous United States, the frequency 108.0 MHz may be authorized for use by VOR test facilities, the operation of which is not essential for the safety of life or property, subject to the condition that no interference is caused to the reception of FM broadcasting stations operating in the band 88–108 MHz. In the event that such interference does occur, the licensee or other agency authorized to operate the facility shall discontinue operation on 108 MHz and shall not resume operation until the interference has been eliminated or the complaint otherwise satisfied. VOR test facilities operating on 108 MHz will not be protected against interference caused by FM broadcasting stations operating in the band 88–108 MHz nor shall the authorization of a VOR test facility on 108 MHz preclude the Commission from authorizing additional FM broadcasting stations.

US94 The bands 30.005–30.015 MHz 39.986–40.02 MHz and 40.980–41.015 MHz are also allocated, on a secondary basis, to the Government and non-Government space research service for space-to-earth transmission only.

US97 The use of the band 1605-1715 kHz by non-Government stations in the aeronautical radionavigation service is limited to the frequencies 1688 and 1708 kHz. Stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service operating on 1638 or 1708 kHz.

US98 The frequency 243 MHz is the frequency in this band for use by Government and non-Government survival craft stations and equipment used for survival purposes.

US99 In the band 1660-1670 MHz the meteorological aids service (radiosonde) will avoid operations to the maximum extent practicable. Whenever it is necessary to operate radiosondes in the band 1660-1670 MHz within the United States, the radio astronomers will be notified in a timely manner.

US100 In the additional Protocol to the Final Acts of the Space EARC, Geneva, 1963, a declaration on behalf of the USA states that the USA cannot accept any obligation to observe the exceptions claimed by Cuba in those footnotes to the Table of Frequency Allocations which were adopted by the EARC and which specifically name Cuba.

US102 In Alaska only, the frequency 122.1 MHz may also be used for air carrier air traffic control purposes at locations where other frequencies are not available to air carrier aircraft stations for air traffic control.

US103 Non-Government aeronautical radionavigation stations, intended to provide service for helicopter operations in the New York City area, may be authorized on the following frequencies:

kHz

70.8375
84.945
85.005
85.065

kHz

113.340
116.1735
127.5075

Such authorizations shall be limited to the specific sites, coverage area and period of time in accordance with formal advice from the Federal Aviation Agency to the Federal Communications Commission that the service is required.

US104 The LORAN Radionavigation System has priority in the band 90-110 kHz in the United States and Possessions. Radiolocation land stations making use of LORAN type equipment may be authorized to both Government and non-Government on a SECONDARY SERVICE basis for offshore radiolocation activities of offshore industries only at specific locations and subject to such technical and operationsl conditions (e.g., power, emission, pulse rate and phase code, hours of operation), including on-the-air testing, as may be required on a case-by-case basis to insure protection of the LORAN Radionavigation System from harmful interference and to insure mutual compatibility among radiolocation operators. Such authorizations to stations in the radiolocation service are further subject to showing of need for service which is not currently provided and which the Government is not yet prepared to render by way of the radionavigation service.

US105 On the express condition that harmful interference is not caused to stations operating in accordance with the Table of Frequency Alloctations, frequencies in the bands 3230-3240 and 3240-3400 kHz may be assigned to radiolocation systems which are also assigned frequencies in the 1605-1800 kHz band, provided the use of frequencies in the bands 3230-3240 and 3240-3400 kHz is necessary for the proper functioning of the particular radiolocation system.

US106 The frequency 156.75 MHz is available for assignment to non-Government and Government stations for environmental communications in accordance with an agreed plan.

US107 The frequency 156.8 MHz is the national distress, safety and calling frequency for the martime mobile VIIF radiotelephone service for use by Government and non-Government ship and coast stations. Guard bands of 156.7625-156.7875 and 156-8123-156.8375 MHz are maintained.

US108 Within the bands 3300-3500 MHz and 10,000-10,500 MHz, survey operations, using transmitters with a peak power not to exceed 5 watts into the antenna, may be authorized for Government and non-Government use on a secondary basis to other Government radiolocation operations.

US110 in the frequency bands 3100-3300 MHz, 3500-3700 MHz 5250-5350 MHz, 8500-9000 MHz, 9200-9300 MHz, 9500-10,000 MHz, 13.4-14.0 GHz, 15.7-17.7 GHz, 24.05-24.25 GHz and 33.4-36 GHz, the non-Government radiolocation service shall be secondary to the Government radiolocation service and to airborne doppler radars at 8800 MHz, and shall provide protection to airport surface detection equipment (ASDE) operating between 15.7-16.2 GHz.

US 111 In the band 1990-2120 MHz, Government space research earth stations may be authorized to use specific frequencies at specific locations for earth-to-space transmissions. Such authorizations shall be secondary to non-Government use of this band and subject to such other conditions as may be applied on a case-by-case basis.

US112 The frequency 123.1 MHz is for search and rescue communications. This frequency may be assigned for air traffic control communications at special aeronautical events on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

US113 The frequency 2182 kHs is the international distress and calling frequency for radiotelephony. The conditions for the use of this frequency are prescribed in Article 35 of the International Radio Regulations.

US 114 Non-Government use of the band 216-220 MHz by the land mobile service is limited to telemetering and associated telecommand purposes only and shall have secondary status with respect to the maritime mobile service and Government radiolocation service; airborne devices will not be authorized.

US115 The frequency 915 MHz is designated for industrial, scientific, and medical purposes. Except as provided by US215, emissions must be confined with the limits of ±13 MHz of that frequency. Radiocommunications services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

US116 In the bands 890-902 and 928-942 MHz, no new assignments are to be made to Government radio stations after July 10, 1970, except, on a case-by-case basis, to experimental stations and to additional stations of existing networks in Alaska. Government assignments, existing prior to July 10, 1970, to stations in Alaska may be continued. All other existing Government assignments shall be on a secondary basis to stations in the non-Government land mobile service and shall be subject to adjustment or removal from the bands 890-902 and 928-942 MHz at the request of the FCC.

US117 In the band 406-410 MHz, all new authorizations will be limited to a maximum of 7 watts per kHz of necessary bandwidth; existing authorizations as of November 30, 1970, exceeding this power are permitted to continue in use.

New authorizations in this band for stations, other than mobile stations, within the following areas are subject to prior coordination by the applicant with the Secretary of the Committee on Radio Frequencies of the National Academy of Sciences:

Arecibo Observatory: Rectangle between latitudes 17°30′ N. and 19°00′ N. and between longitudes 65°10′ W. and 68°00′ W.

Five College Radio Astronomy Observatory: Rectangle between latitudes 41°40′ N. and 42°50′ N. and between longitudes 71°20′ W. and 73°20′ W.

Owens Valley Radio Observatory: Two contiguous rectangles, one between latitudes 36° N. and 37° N. and longitudes 117°40′ W. and 118°30′ W., and the second between latitudes 37° N. and 38° N. and longitudes 118° W. and 118° 50′ W.

Pennsylvania State University Radio Astronomy Observatory: Rectangle between latitudes 40°00′ N. and 41°40′ N. and longitudes 77°15′ W., and 78°40′ W.

Sagamore Hill Radio Observatory: Rectangle between latitudes 42°10′ N. and 43°00′ N. and longitudes 70°31′ W. and 71°31′ W.

Table Mountain Solar Observatory (*NOAA*), *Boulder, Colorado* (*407-409 MHz only*). Rectangle between latitudes 39°30′ N. and 40°30′ N. and longitudes 104°30′ W. and 106°00′ W., or the Continental Divide whichever is farther east.

Vermillion River Observatory. Rectangle between latitudes 38°35′ N. and 41°31′ N. and longitudes 86°15′ W. and 89°30′ W. The non-Government use of this band is limited to the radio astronomy service and as provided by footnote US13.

US118 In the bands 5.0–5.25 GHz and 15.4–15.7 GHz, a "common system" Microwave Landing System is planned which is expected to have worldwide application. It is anticipated that operational implementation will begin about 1976. Nationally, such an agreed common system shall have priority over any other system in these bands.

US200 In the bands 157.3125–157.4125 MHz and 161.9125–162.0125 MHz, the use of satellite systems for safety and distress may be authorized on an exclusive basis on frequencies designated for such use by the WARC-MM, 1974. Such systems shall not be brought into use prior to January 1, 1976 (see Resolution Spa 2-5, WARC-St 1971).

US201 In the band 460–470 MHz, space stations in the earth exploration-satellite service may be authorized for space-to-earth transmissions on a secondary basis with respect to the fixed and mobile service. When operating in the meteorological-satellite service, such stations shall be protected from harmful interference from other applications of the earth exploration-satellite service. The power flux density produced at the earth's surface by any space station in this band shall not exceed −152 dBW/m²/4 kHz.

US202 The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of the frequency. With the single exception of ASDE's operating in accordance with US72, radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of ISM equipment.

US203 Government and non-Government radio astronomy observations of the formaldehyde line frequencies 4825–4835 MHz and 14.485–14.515 GHz may be made at certain radio astronomy observatories as indicated below:

Bands to be observed		Observatory
4 GHz	14 GHz	
X	X	National Radio Astronomy Observatory, Greenbank, W. Va.
X	X	Tucson (Kitt Peak), Ariz.
X	X	Naval Research Laboratory, Maryland Point, Md.
X	X	Hat Creek Observatory (University of California), Hat Creek, Calif.
X	X	Haystack Facility (MIT-Lincoln Lab), Tyngsboro, Mass.
X		Agassiz Station (Harvard College), Harvard, Mass.
X	X	Owens Valley Radio Observatory (Cal. Tech.), Owens Valley, Calif.
X		University of Michigan, Dexter, Mich.
X		Harvard Observatory, Fort Davis, Tex.
	X	University of Texas, Fort Davis, Tex.
	X	Aerospace Corp., El Segundo, Calif. (to be moved to Owens Valley).

Every practicable effort will be made to avoid the assignment of frequencies to stations in the fixed or mobile service in these bands. Should such assignments result in harmful interference to these observations, the situation will be remedied to the extent practicable.

US204 Frequencies 10,003 kHz, 14,993 kHz, and 19,993 kHz with emissions confined within ±3 kHz bandwith, may be used for search and rescue communications concerning manned space vehicles.

US205 Tropospheric scatter systems are prohibited in the band 2500–2690 MHz.

US206 The use of the band 14.3–14.4 GHz by the radionavigation-satellite service shall be such as to provide adequate protection to space stations of the fixed-satellite service.

US207 In the band 14.0–14.5 GHz, only non-Government operations will be authorized in the fixed-satellite service.

US208 Planning and use of the band 1558.5–1636.5 MHz necessitate the development of technical and/or operational sharing criteria to ensure the maximum degree of electromagnetic compatibility with existing and planned systems within the band.

US209 The use of frequencies 460.6625, 460.6875, 460.7125, 460.7375, 460.7625, 460.7875, 460.8125, 460.8375, 460.8625 MHz and 465.6625, 465.6875, 465.7125, 465.7375, 465.7625, 465.7875, 465.8125, 465.8375, 465.8625 MHz may be authorized with 100 milliwatts or less output power to Government and non-Government radio stations for one-way, non-voice biomedical telemetry operations in hospitals, or in medical or convalescent centers.

US210 Use of frequencies in the bands 40.66–40.70 and 216–220 MHz may be authorized to Government and non-Government stations on a secondary basis for the tracking of, and telemetering of scientific data from, ocean buoys and wildlife. Airborne wildlife telemetry in the 216–220 MHz band will be limited to the 216.000–216.100 MHz portion of the band. Operation in these two bands is subject to the technical standards specified in § 5.108.

US211 In the bands 1427–1429, 2500–2690, and 5000–5250 MHz and 14.5–15.35, 15.4–15.7, 24–24.05, 31.5–31.8, 84–86, 122.5–130 and 220–230 GHz, applicants for airborne or space station assignments are urged to take all practicable steps to protect observations in the adjacent exclusive radio astronomy bands from harmful interference; however, US 74 applies.

[*US211 added eff. 7-14-78; II(76)-4*]

US212 The use of the carrier frequency 4383.8 kHz (assigned frequency 4385.2 kHz), maximum power 150 watts peak envelope power, may be authorized to non-Government stations in the amateur, fixed and mobile services, and to Government stations, in the State of Alaska for emergency communications. No airborne operations will be permitted on this frequency. Additionally, all stations operating on this frequency must be located in or within 50 nautical miles of the State of Alaska.

US213 The frequency 122.925 MHz is for use only for communications with or between aircraft when coordinating natural resources programs of Federal or State natural resources agencies, including forestry management and fire suppression, fish and game management and protection, and environmental monitoring and protection.

US214 The frequency 157.1 MHz is the primary frequency for liaison communications between ship stations and stations of the U.S. Coast Guard.

US215 Radiocommunications services operating in the band S90 940 MHz must accept any harmful interference from the operation of any ISM device operating in accordance with FCC standards in effect as of the date of manufacture of the ISM device.

US216 The frequencies 150.775 and 150.790 MHz and the bands 152–152.0150, 163.2375, 163.2625, 460.5125–460.5625, 462.9875, 463.1875, 465.5125, 465.5625, and 467.9875–468.1875 MHz are authorized for Government/non-Government operations in medical radio communications systems.

U.S. 217 Pulse-ranging radiolocation systems may be authorized for Government and non-Government use in the 420–450 MHz band along the shorelines of Alaska and the contiguous 48 States. Non-Government authorizations will be granted on a case-by-case basis, and all stations operating in accordance with these authorizations will be secondary to stations operating in accordance with the allocation table. All power and antenna height specifications shall be made on a case-by-case basis.

US218 The band segments 902-912 and 918-928 MHz are available for Automatic Vehicle Monitoring (AVM) Systems subject to not causing harmful interference ot the operations of Government stations authorized in these bands. These systems must tolerate any interference from the operation of industrial, Scientific and medical (ISM) devices and the operation of Government stations authorized in these bands.

US219 In the band 2025-2120 MHz Government earth resources satellite earth stations in the Earth Exploration-Satellite Service may be authorized to use the frequency 2106.4 MHz for earth to space transmission for tracking, telemetry, and telecommand at the sites listed below. Such transmissions shall not cause harmful interference to non-Government operations.

Sioux Falls, South Dakota, 43°32′3.1″ N., 96°45′42.8″ W.
Fairbank, Alaska, 64°58′36.6″ N., 147°30′54.2″ W.

US220 The frequencies 36.25 and 41.71 MHz may be authorized to Government stations and non-Government stations in the Petroleum Radio Service, for oil spill containment and cleanup operations. The use of these frequencies for oil spill containment or cleanup operations is limited to the inland and coastal waterway regions.

NOTE: US221 Government and non-Government travelers information stations may be authorized on 530 kHz and 1610 kHz on a secondary basis to all authorized stations operating on a primary basis in the band 510-535 kHz and 1605-1715 kHz, respectively.

US222 In the band 2025-2120 MHz Geostationary Operational Environmental Satellite Earth stations in the Space Research and Earth Exploration-Satellite Services may be authorized on a coequal basis to use the frequency band 2025-2035 MHz for earth-to-space transmissions for tracking, telemetry, and telecommand at the sites listed below:

Wallops Island, Virginia, 37°50′48″ N., 75°27′33″ W.
Seattle, Washington, 47°34′15″ N., 122°33′10″ W.
Honolulu, Hawaii, 21°27′12″ N., 157°52′36″ W.

US223 Within 75 miles of the United States/Canada border on the Great Lakes and Saint Lawrence Seaway, use of coast transmit frequency 162.025 MHz and ship station transmit frequency 157.425 MHz (VHF maritime mobile service channel 88) may be authorized for use by the maritime mobile service for public correspondence.

US224 Government systems utilizing spread spectrum techniques for terrestrial communication, navigation and identification may be authorized to operate in the band 960-1215 MHz on the condition that harmful interference will not be caused to the aeronautical radionavigation service. These systems will be handled on a case-by-case basis. Such systems shall be subject to a review at the national level for operational requirements and electromagnetic compatibility prior to development, procurement or modification.

[*US224 added eff. 4-25-79: II (76)-5*]

US225 In addition to its present Government use, the frequency band 510-525 kHz is available to Government and non-Government aeronautical radionavigation stations inland of the Territorial Base line as coordinated with the military services. In addition, the frequency 510 kHz is available for non-Government ship-helicopter operations when beyond 100 nautical miles from shore and required for aeronautical radionavigation.

[*US225 added eff. 10-29-79*]

US226 In the State of Hawaii, stations in the aeronautical radionavigation service shall not cause harmful interference to U.S. Navy reception from its station at Honolulu on 198 kHz.

[*US226 added eff. 10-29-79*]

US229 Assignments to stations in the Maritime Mobile Service may be made on the condition that no harmful interference is caused to the Navy SPASUR system currently operating in the southern United States in the frequency band 216.88-217.08 MHz.

(Secs. 1, 2, 4, 201-205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 410, 602)

[34 FR 19421, Dec. 9, 1969]

NOTE: For FR citations affecting § 2.106, see List of CFR Sections Affected in the Finding Aids section of this volume.

Subpart C—Emissions

§ 2.201 Emission, modulation, and transmission characteristics.

The following system of designating emission, modulation and transmission characteristics shall be employed.

(a) Emissions are designated according to their classification and their necessary bandwidth.

(b) Emissions are classified and symbolized according to the following characteristics:

(1) Type of modulation of main carrier.

(2) Type of transmission.

(3) Supplementary characteristics.

(c) Types of modulation of main carrier:

(1) Amplitude	A
(2) Frequency (or Phase)	F
(3) Pulse	P

(d) Types of transmission:

(1) Absence of any modulation intended to carry information	0
(2) Telegraphy without the use of a modulating audio frequency	1
(3) Telegraphy by the on-off keying of a modulating audio frequency or audio frequencies, or by the on-off keying of the modulated emission (special case: an unkeyed modulated emission)	2
(4) Telephony (including sound broadcasting)	3
(5) Facsimile (with modulation of main carrier either directly or by a frequency modulated subcarrier)	4
(6) Television (visual only)	5
(7) Four-frequency diplex telegraphy	6
(8) Multichannel voice-frequency telegraphy	7
(9) Cases not covered by the above	9

(e) Supplementary characteristics:

(1) Double sideband	(None)
(2) Single sideband:	
(i) Reduced carrier	A
(ii) Full carrier	H
(iii) Suppressed carrier	J
(3) Two independent sidebands	B
(4) Vestigial sideband	C
(5) Pulse:	
(i) Amplitude modulated	D
(ii) Width (or duration) modulated	E
(iii) Phase (or position) modulated	F
(iv) Code modulated	G
(6) Digital modulation—Y.	

(f) The classification of typical emissions is tabulated as follows:

Type of modulation of main carrier	Type of transmission	Supplementary characteristics	Symbol
Amplitude modulation	With no modulation		A0
	Telegraphy without the use of a modulating audio frequency (by on-off keying).		A1
	Telegraphy by the on-off keying of an amplitude modulating audio frequency or audio frequencies, or by the on-off keying of the modulated emission (special case: an unkeyed emission amplitude modulated).		A2
	Telephony	Double sideband	A3
		Single sideband, reduced carrier.	A3A
		Single sideband, suppressed carrier.	A3J
		Two independent sidebands	A3B
	Facsimile (with modulation of main carrier either directly or by a frequency modulated subcarrier).		A4
	Facsimile	Single sideband, reduced carrier.	A4A
	Television	Vestigial sideband	A5C
	Multichannel voice-frequency telegraphy	Single sideband, reduced carrier.	A7A
	Cases not covered by the above, e.g. a combination of telephony and telegraphy.	Two independent sidebands	A9B
Frequency (or Phase) modulation	Telegraphy by frequency shift keying without the use of a modulating audio frequency: one of two frequencies being emitted at any instant.		F1
	Telegraphy by the on-off keying of a frequency modulating audio frequency or by the on-off keying of a frequency modulated emission (special case: an unkeyed emission, frequency modulated).		F2
	Telephony		F3
	Facsimile by direct frequency modulation of the carrier.		F4
	Television		F5
	Four-frequency diplex telegraphy		F6
	Cases not covered by the above, in which the main carrier is frequency modulated.		F9
Pulse modulation	A pulsed carrier without any modulation intended to carry information (e.g. radar).		P0
	Telegraphy by the on-off keying of a pulsed carrier without the use of a modulating audio frequency.		P1D
	Telegraphy by the on-off keying of a modulating audio frequency or audio frequencies, or by the on-off keying of a modulated pulsed carrier (special case: an unkeyed modulated pulsed carrier).	Audio frequency or audio frequencies modulating the amplitude of the pulses.	P2D
		Audio frequency or audio frequencies modulating the width (or duration) of the pulses.	P2E
		Audio frequency or audio frequencies modulating the phase (or position) of the pulses.	P2F
	Telephony	Amplitude modulated pulses	P3D
		Width (or duration) modulated pulses.	P3E
		Phase (or position) modulated pulses.	P3F

Type of modulation of main carrier	Type of transmission	Supplementary characteristics	Symbol
		Code modulated pulses (after sampling and quantization).	P3G
	Cases not covered by the above in which the main carrier is pulse modulated.		P9

(g) Type B emission: As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type B emission.

(h) Whenever the full designation of an emission is necessary, the symbol for that emission, as given above, shall be preceded by a number indicating in kilohertz the necessary bandwidth of the emission. Bandwidths shall generally be expressed to a maximum of three significant figures, the third figure being almost always a nought or a five.

[28 FR 12465, Nov. 22, 1963, as amended at 35 FR 5616, Apr. 7, 1970; 39 FR 35664, Oct. 3, 1974]

§ 2.202 Bandwidths.

(a) Occupied bandwidth: The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency-division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful.

(b) Necessary bandwidth: For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment as, for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

(c) The necessary bandwidth may be determined by one of the following methods:

(1) Use of the formulas included in the table, in paragraph (g) of this section, which also gives examples of necessary bandwidths and designation of corresponding emissions;

(2) For frequency modulated radio systems which have a substantially linear relationship between the value of input voltage to the modulator and the resulting frequency deviation of the carrier and which carry either single sideband suppressed carrier frequency division multiplex speech channels or television, computation in accordance with provisions of paragraph (f) of this section and formulas and methods indicated in the table, in paragraph (g) of this section;

(3) Computation in accordance with Recommendations of the International Radio Consultative Committee (C.C.I.R.);

(4) Measurement in cases not covered by paragraphs (c) (1), (2), or (3) of this section.

(d) The value so determined should be used when the full designation of an emission is required. However, the necessary bandwidth so determined is not the only characteristic of an emission to be considered in evaluating the interference that may be caused by that emission.

(e) In the formulation of the table, in paragraph (g) of this section, the following terms are employed:

B_n=Necessary bandwidth in hertz.
B=Telegraph speed in bauds.
N=Maximum possible number of black plus white elements to be transmitted per second, in facsimile and television.
M=Maximum modulation frequency in hertz.[1]
C=Subcarrier frequency in hertz.
D=Half the difference between the maximum and minimum values of the instantaneous frequency in hertz (instantaneous frequency is the rate of change of phase) except in systems to which paragraph (f) of this section applies.
T=Pulse duration in seconds.

K = An overall numerical factor which varies according to the emission and which depends upon the allowable signal distortion. This value is considered to be equal to unity unless otherwise specified by the Commission. For digital modulation, values other than unity may be employed provided their appropriateness is demonstrated.

N_c = Number of baseband telephone channels in radio systems employing multichannel multiplex telephony.

P = Continuity pilot subcarrier frequency in hertz.[1]

R = Maximum transmission speed in binary digits (bits) per second.

S = Number of equivalent non-redundant signaling states.

(f) Determination of values of *D* and B_n for systems specified in paragraph (c)(2) of this section:

(1) Determination of *D* in systems for multichannel telephony:

(i) The rms value of the per-channel deviation for the system shall be specified. (In the case of systems employing preemphasis or phase modulation, this value of per-channel deviation shall be specified at the characteristic baseband frequency.)

(ii) The value of *D* is then calculated by multiplying the rms value of the per-channel deviation by the appropriate factors, as follows:

Number of telephone channels	Multiplying factors
More than 3, but less than 12.	4.47 × [a factor specified by the equipment manufacturer or station licensee, subject to Commission approval].
At least 12, but less than 60.	3.76 × antilog [(2.6 + 2 $\log_{10} N_c$)/20].
At least 60, but less than 240.	3.76 × antilog [(1 + 4 $\log_{10} N_c$)/20].
240 or more	3.76 × antilog [(15 + 10 $\log_{10} N_c$)/20].

(2) The necessary bandwidth (B_n) normally is considered to be numerically equal to:

(i) $2M+2DK$, for systems having no continuity pilot subcarrier or having a continuity pilot subcarrier whose frequency is not the highest modulating the main carrier;

(ii) $2P+2DK$, for systems having a continuity pilot subcarrier whose frequency exceeds that of any other signal modulating the main carrier, unless the conditions set forth in paragraph (f)(3) of this section are met.

(3) As an exception to paragraph (f)(2)(ii) of this section, the necessary bandwidth (B_n) for such systems is numerically equal to $2P$ or $2M+2DK$, whichever is greater, provided the following conditions are met:

(i) The modulation index of the main carrier due to the continuity pilot subcarrier does not exceed 0.25, and

(ii) In a radio system of multichannel telephony, the rms frequency deviation of the main carrier due to the continuity pilot subcarrier does not exceed 70 percent of the rms value of the per-channel deviation, or, in a radio system for television, the rms deviation of the main carrier due to the pilot does not exceed 3.55 percent of the peak deviation of the main carrier.

(g) Table of necessary bandwidths:

I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Continuous wave telegraphy, A1.	$B_n = BK$ $K=5$ for fading circuits. $K=3$ for nonfading circuits.	Morse code at 25 words per minute, $B=20$, $K=5$. Bandwidth: 100 Hz.	0.1A1
		Four-channel time-division multiplex, 7-unit code, 42.5 bands per channel, $B=170$, $K=5$. Bandwidth: 850 Hz.	0.85A1

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[1] The frequency (P) of a continuity pilot subcarrier in frequency modulated radio relay systems may exceed the value specified as M.

I. AMPLITUDE MODULATION—Continued

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Telegraphy modulated by an audio frequency, A2.	$B_n = BK + 2M$ $K = 5$ for fading circuits. $K = 3$ for nonfading circuits.	Morse code at 25 words per minute, $B = 20$, $M = 1,000$, $K = 5$. Bandwidth: 2,100 Hz.	2.1A2
Telephony, A3	$B_n = M$ for single sideband.	Double sideband telephony $M = 3,000$. Bandwidth: 6,000 Hz.	6A3
	$B_n = 2M$ for double sideband.	Single sideband telephony reduced carrier, $M = 3,000$. Bandwidth: 3,000 Hz.	3A3A
		Telephony, two independent sidebands, $M = 3,000$. Bandwidth: 6,000 Hz.	6A3B
Sound broadcasting A3..	$B_n = 2M$ M may vary between 4,000 and 10,000 depending on quality desired.	Speech and music, $M = 4,000$. Bandwidth: 8,000 Hz.	8A3
Facsimile, carrier modulated by tone and by keying, A4.	$B_n = KN + 2M$ $K = 1.5$	The total number of picture elements (black plus white) transmitted per second is equal to the circumference of the cylinder multiplied by the number of lines per unit length and by the speed of rotation of the cylinder in revolutions per second. Diameter of cylinder = 70 mm. Number of lines per mm. = 5. Speed of rotation = 1 r.p.s. $N = 1,100$. $M = 1,900$. Bandwidth: 5,450 Hz.	5.45A4
Television (visual and aural) A5 and F3.	Refer to relevant CCIR documents for the bandwidths of the commonly used television systems.	Number of lines = 525. Number of lines per second = 15,750. Video bandwidth: 4.2 MHz. Total visual bandwidth: 5.75 MHz. FM aural bandwidth including guard bands: 250,000 Hz. Total bandwidth: 6 MHz.	5750A5C 250F3
Composite transmission, A9.	$B_n = 2M$ (double sideband)	Television relay, video limited to 4 MHz, audio on 6.5 MHz FM subcarrier, subcarrier deviation = 50 kHz. M = subcarrier frequency plus its maximum deviation = 6.55×10^6. Bandwidth: 13.1×10^6 Hz.	13,100A9
Composite transmission, A9.	$B_n = 2M$ (double sideband)	Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kHz. $M = 164,000$. Bandwidth: 328,000 Hz.	328A9
Composite transmission A9Y, digital modulation using DSB-AM.	$B_n = 2RK \div \text{Log}_2 S$	Microwave radio relay specifications: digital modulation used to send 5 megabits per second by use of amplitude modulation of the main carrier with 4 signaling states. $R = 5 \times 10^6$ bits per second $K = 1$ $S = 4$ $B_n = 5$ MHz	5000A9Y

II. FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Frequency-shift telegraphy: F1.	$B_n = 2.6D + 0.55B$ for $1.5 \leq 2D \div B \leq 5.5$. $B_n = 2.1D + 1.9B$ for $5.5 \leq 2D \div B \leq 20$.	Four-channel time-division multiplex with 7-unit code, 42.5 bands per-channel, $B = 170$, $D = 200$; $2D \div B = 2.35$, therefore the first formula in column 2 applies. Bandwidth: 613 Hz.	0.6F1
Commercial telephony: F3.	$B_n = 2M + 2DK$ K is normally 1 but under certain conditions a higher value may be necessary.	For an average case of commercial telephony, $D = 15{,}000$ $M = 3{,}000$. Bandwidth: 36,000 Hz.	36F3
Sound broadcasting: F3.	$B_n = 2M + 2DK$	$D = 75{,}000$, $M = 15{,}000$ and assuming $K = 1$. Bandwidth: 180,000 Hz.	180F3
Facsimile: F4	$B_n = KNK = 1.5 + 2M + 2DK$	(See facsimile, amplitude modulation.) Diameter of cylinder = 70 mm. Number of lines per mm = 5. Speed of rotation = 1 r.p.s. $N = 1{,}100$. $M = 1{,}900$. $D = 10{,}000$. Bandwidth: 25,450 Hz.	25.5F4
Four-frequency diplex telegraphy: F6.	If the channels are not synchronized, $B_n = 2.6D + 2.75B$ where B is the speed of the higher speed channel. If the channels are synchronized the bandwidth is as for $F1$, B being the speed of either channel.	Four-frequency diplex system with 400 Hz spacing between frequencies, channels not synchronized, 170 bauds keying in each channel, $D = 600$, $B = 170$. Bandwidth: 2,027 Hz.	2.05F6
Composite transmission: F9.	$B_n = 2P + 2DK$ $K = 1$	Microwave radio relay system: Specifications: 60 telephone channels occupying baseband between 60 and 300 kHz; rms per-channel deviation 200 kHz; continuity pilot at 331 kHz produces 100 kHz rms deviation of main carrier. Computation of B_n: $D = (200 \times 10^3 \times 3.76 \times 2.02)$Hz $= 1.52 \times 10^6$ Hz. $P = 0.331 \times 1^6$Hz. Bandwidth: 3.702×10^6Hz.	3700F9
Composite transmission: F9.	$B_n = 2M + 2DK$ $K = 1$	Microwave radio relay system: Specifications: 960 telephone channels occupying baseband between 60 and 4028 kHz; rms per-channel deviation 200 kHz; continuity pilot at 4715 kHz produces 140 kHz rms deviation of main carrier. Computation of B_n: $D = (200 \times 10^3 \times 3.76 \times 5.5)$Hz $= 4.13 \times 10^6$Hz. $M = 4.028 \times 10^6$Hz; $P = 4.715 \times 10^6$Hz; $(2M + 2DK) > 12P$ Bandwidth: 16.32×10^6Hz.	16300F9

II. FREQUENCY MODULATION—Continued

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Composite transmission: F9.	$B_n = 2P$	Microwave radio relay system: Specifications: 600 telephone channels occupying baseband between 60 and 2540 kHz; rms per-channel deviation 200 kHz; continuity pilot at 8500 kHz produces 140 kHz rms deviation of main carrier. Computation of B_n: $D = (200 \times 10^3 \times 3.76 \times 4.36)$Hz $= 3.28 \times 10^6$Hz. $M = 2.54 \times 10^6$Hz; $K = 1$. $P = 8.5 \times 10^6$Hz. $(2M + 2DK) < 2P$. Bandwidth: 17×10^6Hz.	17000F9
Composite transmission: F9.	$B_n = 2M + 2DK$ $K = 1$	TV microwave relay system: Specifications: Aural program on 7.5 MHz, aural subcarrier deviation ±150 kHz; continuity pilot at 8.5 MHz produces 140 kHz rms deviation of main carrier; $D = 3.7 \times 10^6$Hz (visual) plus 0.3×10^6Hz (aural). Computation of B_n: $M = (7.5 + 0.15) \times 10^6$Hz; $P = 8.5 \times 10^6$Hz. $D = (3.7 + 0.3) \times 10^6$Hz; $(2M + 2DK) > 2P$ Bandwidth: 23.3×10^6Hz.	23300F9
Composite transmission: F9.	$B_n = 2P$	TV microwave relay system: Specifications: Aural program on 6.0 MHz subcarrier; aural subcarrier deviation ±150 kHz; continuity pilot at 8.5 MHz produces 50 kHz rms deviation of main carrier; $D = 2 \times 10^6$ Hz (visual) plus 0.2×10^6Hz (aural). Computation of B_n: $D = (2.0 + 0.2) \times 10^6$ Hz. $M = 6.15 \times 10^6$Hz; $K = 1$: $P = 8.5 \times 10^6$Hz; $(2M + 2DK) < 2P$; Bandwidth: 17×10^6Hz.	17000F9
Composite transmission: F9.	$B_n = 2M + 2DK$ $K = 1$	Stereophonic FM broadcasting (U.S. system) with multiplexed subsidiary communications subcarrier, $M = 75{,}000$, $D = 75{,}000$. Bandwidth: 300,000 Hz.	300F9
Composite Transmission F9Y, digital modulation using PSK.	$B_n = 2RK \div \mathrm{Log}_2 S$	Microwave radio relay system specifications: digital modulation used to send 10 megabits per second by use of phase shift keying with 4 signaling states. $R = 10 \times 10^6$ bits per second $K = 1$ $S = 4$ $B_n = 10$MHz	10,000F9Y
Composite Transmission F9Y, digital modulation using FSK.	$B_n = R \div \mathrm{Log}_2 S + 2DK$	Microwave radio relay system specifications: digital modulation used to send 10 megabits per second by use of frequency shift keying with 4 signaling states and 2 MHz peak deviation of the main carrier. $R = 10 \times 10^6$ bits per second $D = 2$ MHz $K = 1$ $S = 4$ $B_n = 9$ MHz	9000F9Y

II. FREQUENCY MODULATION—Continued

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Unmodulated pulse: P0	$B_n = 2K \div t$ K depends on the ratio of pulse duration to pulse rise time. Its value usually falls between 1 and 10 and in many cases it does not need to exceed 6.	$t = 3 \times 10^{-6}$, $K = 6$ Bandwidth: 4×10^6 Hz.	4000P0
Modulated pulse: P2 or P3.	The bandwidth depends on the particular types of modulation used, many of these being still in the development stage.		
Composite transmission: P9.	$B_n = 2K \div t$ $K = 1.6$	Microwave relay, pulse-position modulated by 36 channel baseband; pulse width at half amplitude = 0.4 microseconds. Bandwidth: 8×10^6 Hz.	8000P9

[28 FR 12465, Nov. 22, 1963, as amended at 35 FR 5616, Apr. 7, 1970; 37 FR 8883, May 2, 1972; 37 FR 9996, May 18, 1972; 39 FR 35664, Oct. 3, 1974]

Subpart D—Call Signs and Other Forms of Identifying Radio Transmissions

AUTHORITY: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

SOURCE: 34 FR 5104, Mar. 12, 1969, unless otherwise noted.

§ 2.301 Station identification requirement.

Each station using radio frequencies shall identify its transmissions according to the procedures prescribed by the rules governing the class of station to which it belongs with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements, and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules.

§ 2.302 Call signs.

The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required by the rules pertaining to particular classes of stations. When stations operating in two or more classes are authorized to the same licensee for the same location, the Commission may elect to assign a separate call sign to each station in a different class. (In addition to the U.S. call sign allocations listed below, call sign blocks AAA through AEZ and ALA through ALZ have been assigned to the Department of the Army; call sign block AFA through AKZ has been assigned to the Department of the Air Force; and call sign block NAA through NZZ has been assigned jointly to the Department of the Navy and the U.S. Coast. Guard.

Class of station	Composition of call sign	Call sign blocks
Coast (Class I) except for coast telephone in Alaska.	3 letters	KAA through KZZ. WAA through WZZ.
Coast (Classes II and III) and maritime radiodetermination.	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999.
Coast telephone in Alaska	3 letters, 2 digits	
	3 letters, 3 digits (for stations assigned frequencies above 30 MHz).	KAA20 through KZZ99. WAA20 through WZZ99. WZZ200 through WZZ999.
Fixed	3 letters, 2 digits	KAA20 through KZZ99.
	3 letters, 3 digits (for stations assigned frequencies above 30 MHz).	WAA20 through WZZ99. WAA200 through WZZ999.
Marine receiver test	3 letters, 3 digits (plus general geographic location when required).	KAA200 through KZZ999. WAA200 through WZZ999.

Footnotes at end of table.

Class of station	Composition of call sign	Call sign blocks
Ship telegraph	4 letters [1]	KAAA through KZZZ. WAAA through WZZZ.
Ship telephone	2 letters, 4 digits, or 3 letters, 4 digits [1].	WA2000 through WZ9999, through WZZ9999.
Ship telegraph plus telephone	4 letters	KAAA through KZZZ. WAAA through WZZZ.
Ship radar	Same as ship telephone and/or telegraph call sign, or, if ship has no telephone or telegraph: 2 letters, 4 digits, or 3 letters, 4 digits.	WA2000 through WZ9999, through WZZ9999.
Ship survival craft	Call sign of the parent ship followed by 2 digits.	KAAA20 through KZZZ99. WAAA20 through WZZZ99.
Cable-repair ship marker buoy	Call sign of the parent ship followed by the letters "BT" and the identifying number of the buoy.	
Marine utility	2 letters, 4 digits	KA2000 through KZ9999.
Shipyard mobile	2 letters, 4 digits	KA2000 through KZ9999.
Aircraft telegraph	5 letters	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telegraph and telephone	5 letters [2]	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telephone	5 letters [2] (whenever a call sign is assigned).	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft survival craft	Whenever a call sign [2] is assigned, call sign of the parent aircraft followed by a single digit other than 0 or 1.	
Aeronautical	3 letters, 1 digit [2]	KAA2 through KZZ9. WAA2 through WZZ9.
Land mobile (base)	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999
Land mobile (mobile telegraph)	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Land mobile (mobile telephone)	2 letters, 4 digits	KA2000 through KZ9999. WA2000 through WZ9999
Broadcasting (standard)	4 letters [3] (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting (FM)	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting with suffix "FM"	6 letters [3] (plus location of station)	KAAA-FM through KZZZ--FM. WAAA-FM through WZZZ-FM.
Broadcasting (television)	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting with suffix "TV"	6 letters [3] (plus location of station)	KAAA-TV through KZZZ-TV. WAAA-TV through WZZ-TV.
Television broadcast translator	1 letter—output channel number—2 letters.	K02AA through K83ZZ. W02AA through W83ZZ.
Disaster station, except U.S. Government	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Experimental (letter "X" follows the digit)	2 letters, 1 digit, 3 letters	KA2XAA through KZ9XZZ. WA2XAA through WZ9XZZ.
Amateur (letter "X" may not follow digit)	1 letter, 1 digit, 1 letter [4]	K1A through K0Z. N1A through N0Z. W1A through W0Z.
Amateur	1 letter, 1 digit, 2 letters [4]	K1AA through K0ZZ. N1AA through N0ZZ. W1AA through W0ZZ.
Do	1 letter, 1 digit, 3 letters [4]	K1AAA through K0ZZZ. N1AAA through N0ZZZ. W1AAA through W0ZZZ.
Do	2 letters, 1 digit, 1 letter [4]	AA1A through AI0Z. KA1A through KZ0Z. NA1A through NZ0Z. WA1A through WZ0Z.
Do	2 letters, 1 digit, 2 letters [4]	AA1AA through AL0ZZ. KA1AA through KZ0ZZ. NA1AA through NZ0ZZ. WA1AA through WZ0ZZ.
Amateur (letter "X" may not follow digit)	2 letters, 1 digit, 3 letters [4]	AA1AAA through AL0ZZZ. KA1AAA through KZ0ZZZ. NA1AAA through NZ0ZZZ. WA1AAA through WZ0ZZZ.

Footnotes at end of table.

Class of station	Composition of call sign	Call sign blocks
Standard frequency		WWV, WWVB through WWVI, WWVL, WWVS.
Personal radio	3 letters, 4 digits, or 4 letters, 4 digits	KAA0001 through KZZ9999, WAA0001 through WPZ9999, KAAA0001 through KZZZ9999.
Personal radio, temporary permit	3 letters, 5 digits	KAA00000 through KZZ99999.
Personal radio in trust territories	1 letter, 4 digits	K0001 through K9999.
Business radio temporary permit	2 letters, 7 digits	WT plus local telephone number.

NOTE: The symbol 0 indicates the digit zero.

[1] Ships with transmitter-equipped survival craft shall be assigned four letter call signs.

[2] See § 2.303.

[3] A 3 letter call sign now authorized for and in continuous use by a licensee of a standard broadcasting station may continue to be used by that station. The same exception applies also to frequency modulation and television broadcasting stations using 5 letter call signs consisting of 3 letters with the suffix "FM" or "TV".

[4] Plus other identifying data as may be specified.

[34 FR 5104, Mar. 12, 1969, as amended at 38 FR 6822, Mar. 13, 1973; 38 FR 25991, Sept. 17, 1973; 40 FR 12991, Mar. 24, 1975; 41 FR 16944, Apr. 23, 1976; 41 FR 56071, Dec. 23, 1976; 42 FR 43085, Aug. 26, 1977; 42 FR 46927, Sept. 19, 1977; 44 FR 29069, May 18, 1979; 45 FR 59884, Sept. 11, 1980]

§ 2.303 Other forms of identification of stations.

(a) The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing form of identification readily recognized internationally. Reference should be made to the appropriate part of the rules for complete information on identification procedures for each service.

Class of station	*Identification, other than assigned call sign*
Aircraft (U.S. registry) telephone	Registration number preceded by the type of the aircraft, or the radiotelephony designator of the aircraft operating agency followed by the flight identification number.
Aircraft (foreign registry) telephone	Foreign registry identification consisting of five characters. This may be preceded by the radiotelephony designator of the aircraft operating agency or it may be preceded by the type of the aircraft.
Aeronautical	Name of the city, area, or airdrome served together with such additional identification as may be required.
Aircraft survival craft	Appropriate reference to parent aircraft, e.g., the air carrier parent aircraft flight number or identification, the aircraft registration number, the name of the aircraft manufacturer, the name of the aircraft owner, or any other pertinent information.
Ship telegraph	When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 MHz: Name of ship. Digital selective call.
Ship telegraph	Digital selective call.
Public coast (radiotelephone) and Limited Coast (Radiotelephone).	The approximate geographic location in a format approved by the Commission. Coast station identification number.
Public coast (radiotelegraph)	Coast station identification number.
Fixed	Geographic location. When an approved method of superimposed identification is used, QTT DE (abbreviated name of company or station).
Fixed: Rural subscriber service	Assigned telephone number.
Land mobile: Public safety, forestry conservation, highway maintenance, local government, shipyard, land transportation, and aviation services.	Name of station licensee (in abbreviated form if practicable), or location of station, or name of city, area, or facility served. Individual stations may be identified by additional digits following the more general identification.
Land mobile: Industrial service	Mobile unit cochannel with its base station: Unit identifier on file in the base station records. Mobile unit not cochannel with its base station: Unit identifier on file in the base station records and the assigned call sign of either the mobile or base station. Temporary base station: Unit designator in addition to base station identification.

Class of station	*Identification, other than assigned call sign*
Land mobile: Domestic public and rural radio	Special mobile unit designation assigned by licensee or by assigned telephone number.
Land mobile: Railroad radio service	Name of railroad, train number, caboose number, engine number, or name of fixed wayside station or such other number or name as may be specified for use of railroad employees to identify a specific fixed point or mobile unit. A railroad's abbreviated name or initial letters may be used where such are in general usage. Unit designators may be used in addition to the station identification to identify an individual unit or transmitter of a base station.
Land mobile: Broadcasting (remote pickup)	Identification of associated broadcasting station.
Broadcasting (Emergency Broadcast System)	State and operational area identification.
Broadcasting (aural STL and intercity relay)	Call sign of the broadcasting station with which it is associated.
Broadcasting (television auxiliary)	Call sign of the TV broadcasting station with which it is licensed as an auxiliary, or call sign of the TV broadcasting station whose signals are being relayed, or by network identification.
Broadcasting (television booster)	Retransmission of the call sign of the primary station.
Disaster station	By radiotelephony: Name, location, or other designation of station when same as that of an associated station in some other service. Two or more separate units of a station operated at different locations are separately identified by the addition of a unit name, number, or other designation at the end of its authorized means of identification.

(b) Digital selective calls will be authorized by the Commission and will be formed by groups of numbers (0 through 9), however, the first digit must be other than 0, as follows:

(1) Coast station identification number: 4 digits.

(2) Ship station selective call number: 5 digits.

(3) Predetermined group of ship stations: 5 digits.

(c) Ship stations operating under a temporary operating authority shall identify by a call sign consisting of the letter "K" followed by the vessel's Federal or State registration number, or a call sign consisting of the letters "KUS" followed by the vessel's documentation number. However, if the vessel has no registration number or documentation number, the call sign shall consist of the name of the vessel and the name of the licensee as they appear on the station application form.

[28 FR 12465, Nov. 22, 1963, as amended at 40 FR 57675, Dec. 11, 1975; 41 FR 44042, Oct. 6, 1976; 42 FR 31008, June 17, 1977; 44 FR 62284, Oct. 30, 1979]

Subpart E—Distress, Disaster, and Emergency Communications

§ 2.401 Distress messages.

Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

§ 2.402 Control of distress traffic.

The control of distress traffic is the responsibility of the mobile station in distress or of the mobile station which, by the application of the provisions of § 2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

§ 2.403 Retransmission of distress message.

Any station which becomes aware that a mobile station is in distress may transmit the distress message in the following cases:

(a) When the station in distress is not itself in a position to transmit the message.

(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.

(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

§ 2.404 Resumption of operation after distress.

No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

§ 2.405 Operation during emergency.

The licensee of any station (except amateur, standard broadcast, FM broadcast, noncommercial educational FM broadcast, or television broadcast) may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,* (e) That any such emergency communication undertaken under this section shall terminate upon order of the Commission.

NOTE: Part 73 of this chapter contains provisions governing emergency operation of standard, FM, noncommercial educational FM, and television broadcast stations. Part 97 of this chapter contains such provisions for amateur stations.

[28 FR 13785, Dec. 18, 1963]

§ 2.406 National defense; free service.

Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 National defense; emergency authorization.

The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

Subpart F—[Reserved]

Subpart G—Treaties and Other International Agreements

SOURCE: 45 FR 33629, May 20, 1980, unless otherwise noted.

AUTHORITY: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

§ 2.601 General.

This subpart is corrected to May 27, 1980. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

§ 2.602 Citation abbreviations used in this subpart.

Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (compiled under S. Res. No. 132, 75th Cong., 1st Sess.).

LNTS—League of Nations Treaty Series.

Stat.—United States Statutes at Large.

UST—United States Treaties and Other International Agreements.

TS—Treaty Series.

EAS—Executive Agreement Series.

TIAS—Treaties and Other International Acts Series.

Bevans—Treaties and Other International Agreements of the United States of America 1776-1949.

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250, and 4251; TS 724-A; 6 Bevans 22; 12 Bevans 451.	U.S.-United Kingdom (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes September and October 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143; TS 767-A; 6 Bevans 26.	U.S.-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787; TS 777-A; 2 Bevans 775.	U.S.-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	49 Stat. 3555; EAS 66; 10 Bevans 1103.	U.S.-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1876; EAS 62; 6 Bevans 26.	U.S.-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3667; EAS 72; 6 Bevans 564.	U.S.-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576; TS 938; 3 Bevans 462.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675; TS 949; 3 Bevans 529.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157; EAS 143; 6 Bevans 143.	U.S.-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696; TIAS 1527; 11 Bevans 1291.	U.S.-U.S.S.R. Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.

Date	Citations	Subject
1947	61 Stat. (4) 3800; TIAS 1726; 6 Bevans 447.	U.S.-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88–108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416; TIAS 1676; 12 Bevans 956.	U.S.-U.N. Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreements contained in TIAS 5961 and TIAS 6750 signed Feb. 9, 1966, and Aug. 28, 1969, respectively.
1947	61 Stat. (3) 3131; TIAS 1652; 12 Bevans 824.	U.S.-United Kingdom Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1948	9 UST 621; TIAS 4044; 4 Bevans 700.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285, TIAS 6490, and TIAS 8606, adopted by the IMCO Assembly Sept. 15, 1964, Sept. 28, 1965, and Oct. 17, 1974, respectively.
1949	3 UST (3) 3064; TIAS 2489; 4 Bevans 851.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1949	3 UST (2) 2686; TIAS 2435; 4 Bevans 852.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1950	3 UST (2) 2672; TIAS 2433	U.S.-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third parties. effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950 and 1951	2 UST (1) 683; TIAS 2223	U.S.-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1950	11 UST 413; TIAS 4460	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1951	3 UST (3) 3787; TIAS 2508	U.S.-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951 and 1952	3 UST (3) 3892; TIAS 2520	U.S.-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1951	3 UST (2) 2860; TIAS 2459	U.S.-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1952	3 UST (3) 4443; TIAS 2594	U.S.-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140; TIAS 2705	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug 12, 1949.
1953	5 UST (3) 2840; TIAS 3138	U.S.-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179; TIAS 3617	U.S.-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839; TIAS 3665	U.S.-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159; TIAS 3694	U.S.-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.

Date	Citations	Subject
1957	9 UST 1037; TIAS 4079	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938). Signed at Washington Dec. 20, 1957. Entered into force December 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091; TIAS 4089	U.S.-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1959	10 UST 1449; TIAS 4295	U.S.-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257; TIAS 4442	U.S.-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019; TIAS 4394	U.S.-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 2377; TIAS 4893	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5603, TIAS 6332, TIAS 6590, TIAS 7435, and TIAS 8599 signed Nov. 8, 1963, Apr. 29, 1966, Nov. 3, 1967, July 17, 1971, and June 8, 1974, respectively.
1960	11 UST 1; TIAS 4399	U.S.-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	11 UST 2229; TIAS 4596	U.S.-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Ascuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	17 UST 1574; TIAS 6115	U.S.-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695; TIAS 4888	U.S.-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411; TIAS 5001	U.S.-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 997; TIAS 5043	U.S.-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962. Amended by the agreement contained in TIAS 8185, signed Aug. 20, 1975.
1962	13 UST 2418; TIAS 5205	U.S.-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965.
1963	14 UST 817; TIAS 5360	U.S.-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	14 UST 825; TIAS 5362	U.S.-U.S.S.R. Memorandum of Understanding regarding the Direct Communication Link, with Annex. Signed at Geneva June 20, 1963. Entered into force June 20, 1963. This understanding was supplemented and modified by the agreements contained in TIAS 7187 and 8059, signed Sept. 30, 1971, and Mar. 20 and Apr. 29, 1975, respectively.
1963	15 UST 887; TIAS 5603	Partial Revision of the Radio Regulations Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radio Communication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754; TIAS 5483	U.S.-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.

Date	Citations	Subject
1964	18 UST 1299; TIAS 6285	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967. Modified by amendments contained in TIAS 8606, adopted by the IMCO Assembly Oct. 17, 1974.
1965	16 UST 821; TIAS 5816	U.S.-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923; TIAS 5833	U.S.-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883; TIAS 5827	U.S.-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	19 UST 4955; TIAS 6490	Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1968. Modified by amendment contained in TIAS 8606, adopted by the IMCO Assembly Oct. 17, 1974.
1966	17 UST 74; TIAS 5961	U.S.-U.N. Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	18 UST 2091; TIAS 6332	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which entered into force Apr. 10, 1970.
1966	17 UST 2319; TIAS 6176	U.S.-U.N. Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365; TIAS 6244	U.S.-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1201; TIAS 6268	U.S.-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 18, 1968, and Jan. 31, 1969.
1967	19 UST 6717; TIAS 6590	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to Deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969.
1968 and 1969	20 UST 7; TIAS 6626	U.S.-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 18, 1968, and Jan. 31, 1969. Entered into force Jan. 31, 1969.
1968	21 UST 2776; TIAS 7021	U.S.-Mexico Agreement concerning radio broadcasting in the standard band (535–1605 kHz), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.
1968	21 UST 2934; TIAS 7021	U.S.-Mexico Agreement concerning the operation of broadcasting stations in the standard broadcast band (535–1605 kHz) during a limited period prior to sunrise ("Pre-Sunrise") and after sunset ("Post-Sunset"), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.
1969	20 UST 2810; TIAS 6750	U.S.-U.N. Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947, as Supplemented (TIAS 1676, 5961, 6176). Signed at New York Aug. 28, 1969. Entered into force Aug. 28, 1969.
1969	21 UST 1744; TIAS 6931	U.S.-Canada Agreement relating to the Operation of Radiotelephone Stations. Signed at Ottawa Nov. 19, 1969. Entered into force July 24, 1970.
1970	21 UST 2089; TIAS 6955	U.S.-NATO Agreement concerning North Atlantic Treaty Organization Satellite Communications Earth Terminal in the United States. Signed at Washington July 10 and at Mons, Belgium Aug. 20, 1970. Entered into force Aug. 20, 1970.
1971	23 UST 1527; TIAS 7435	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC for Space Telecommunications, with Annex. Signed at Geneva July 17, 1971. Entered into force January 1, 1973.
1971	23 UST 3813; TIAS 7532	Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), with Annexes, and Operating Agreement. Done at Washington Aug. 20, 1971. Entered into force Feb. 12, 1973.

Date	Citations	Subject
1971	22 UST 2053; TIAS 7239	U.S.-Trinidad & Tobago Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-of-Spain Oct. 26 and Nov. 18, 1971. Entered into force Dec. 18, 1971.
1971	24 UST 1120; TIAS 7636	U.S.-Guatemala Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Guatemala Oct. 21 and Nov. 19, 1971. Entered into force May 26, 1973.
1971	22 UST 1598; TIAS 7187	U.S.-U.S.S.R. Agreement on Measures to Improve the Direct Communications Link, with Annex. Signed at Washington Sept. 30, 1971. Entered into force Sept. 30, 1971. Amended by the agreement contained in TIAS 8059, signed Mar. 20 and April 29, 1975.
1972	23 UST 906; TIAS 7355	U.S.-Guyana Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Georgetown May 30 and June 6, 1972. Entered into force July 6, 1972.
1972	23 UST 3492; TIAS 7508	U.S.-Jordan Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Nov. 13 and 30, 1972. Entered into force Dec. 30, 1972.
1972	24 UST 1815; TIAS 7697	U.S.-Mexico Agreement concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band, with Annexes and Related Notes. Signed at Washington Nov. 9, 1972. Entered into force August 9, 1973. Amended by the agreements contained in TIAS 9436, ..., ..., and .... signed Mar. 20 and Nov. 9, 1978, Feb. 2 and Apr. 24, 1979, June 4 and Aug. 1, 1979, Oct. 2 and 11, 1979, and Sept. 5, 1979 and Jan. 23, 1980, respectively.
1973	28 UST 3293; TIAS 8586	Telegraph Regulations with appendices, annex and final protocol. Signed at Geneva April 11, 1973. Entered into force for the United States April 21, 1976.
1973	28 UST 3293; TIAS 8586	Telephone Regulations with appendices and final protocol. Signed at Geneva April 11, 1973. Entered into force for the United States April 21, 1976.
1973	28 UST 2495; TIAS 8572	International Telecommunication Convention with annexes and protocols. Signed at Malaga-Torremolinos Oct. 25, 1973. Entered into force for the United States April 7, 1976.
1973	25 UST 935; TIAS 7837	U.S.-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio, with technical regulations. Signed at Ottawa Feb. 26, 1973, with exchange of notes at Washington May 6, 1974. Entered into force May 6, 1974. Amended by agreement contained in TIAS 9352, signed December 29, 1978.
1974	25 UST 2478; TIAS 7929	U.S.-Bahamas Agreement relating to pre-sunrise operation of certain standard broadcasting stations. Effected by exchange of notes at Nassau Jan. 30 and Sept. 4, 1974. Entered into force Sept. 4, 1974.
1974	—; TIAS 8599	Partial Revision of the Radio Regulations, Geneva, 1959, as amended (TIAS 4895, 5603, 6332, 6590 and 7435) to establish a frequency allotment plan for high-frequency radiotelephone coast stations, with annexes and final protocol. Signed at Geneva June 8, 1974. Entered into force for the United States April 21, 1976.
1974	—; TIAS 8606	Amendments to Articles 10, 16, 17, 18, 20, 28, 31 and 32 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Oct. 17, 1974. Entered into force Apr. 1, 1978.
1974	—	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London Nov. 1, 1974. Entered into force May 25, 1980.
1975	26 UST 564; TIAS 8059	U.S.-U.S.S.R. Agreement regarding the Direct Communications Link. Effected by exchange of notes at Moscow Mar. 20 and April 29, 1975. Entered into force April 29, 1975.
1975	26 UST 2700; TIAS 8185	U.S.-Mexico Agreement amending the Agreement of April 18, 1962 (TIAS 5043) relating to the Assignment and Use of Television Channels along the U.S.-Mexican Border. Effected by exchange of notes at Tlatelolco and Mexico Aug. 20, 1975. Entered into force Aug. 20, 1975.
1976	28 UST 5019; TIAS 8608	U.S.-ITU Special Arrangement Permitting Third Party Exchanges between the ITU Amateur Radio Station and Amateur Radio Stations under U.S. Jurisdiction. Effected by exchange of letters at Geneva and Washington April 28 and June 7, 1976. Entered into force June 7, 1976.
1976	28 UST 2248; TIAS 8542	U.S.-INTELSAT Agreement regarding Headquarters of INTELSAT. Effected by exchange of notes at Washington Nov. 22 and 24, 1976. Entered into force Nov. 24, 1976.
1977	—; TIAS 8838	U.S.-Canada Interim Arrangement for the Coordination of U.S. Land Mobile Radio Stations Operating in the 806–890 MHz Frequency Band in the Vicinity of the Canadian-United States Border. Effected by exchange of notes at Ottawa and Washington Dec. 21, 1976 and Jan. 13, 1977. Entered into force Jan. 13, 1977.

Date	Citations	Subject
1977	—; TIAS 8908	U.S.-Jamaica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Kingston Feb. 24 and May 12, 1977. Entered into force June 11, 1977.
1977	—; TIAS 8975	U.S.-Ghana Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Accra Oct. 13 and 27, 1977. Entered into force Nov. 26, 1977.
1978	—; TIAS 9436	U.S.-Mexico Agreement amending the Agreement concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band, as amended (TIAS 7697). Effected by exchange of notes at Tlatelolco and Mexico Mar. 20 and Nov. 9, 1978. Entered into force Nov. 9, 1978. And exchange of notes at Tlatelolco and Mexico Feb. 2 and April 24, 1979. Entered into force April 24, 1979. Further amended by TIAS ...., ... and .... signed June 4 and Aug. 1, 1979, Oct. 2 and 11, 1979, and Sept. 5, 1979, and Jan. 23, 1980, respectively
1978	—; TIAS 9352	Agreement amending the Agreement of Feb. 26, 1973 (TIAS 7837) for Promotion of Safety on the Great Lakes by Means of Radio, 1973. Effected by exchange of notes at Ottawa Dec. 29, 1978. Entered into force Dec. 29, 1978; effective Feb. 1, 1979.
1979	—	U.S.-Mexico Agreement amending the Agreement concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band, as amended (TIAS 7697 and 9436). Effected by exchange of notes at Mexico and Tlatelolco June 4 and Aug. 1, 1979. Entered into force Aug. 1, 1979. Further amended by TIAS . . . . and . . . . signed Oct. 2 and 11, 1979, and Sept. 5, 1979 and Jan. 23, 1980, respectively.
1979	—	U.S.-Mexico Agreement amending the Agreement concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band, as amended (TIAS 7697 and 9436). Effected by exchange of notes at Mexico and Tlatelolco Oct. 2 and 11, 1979. Further amended by TIAS . . . . signed Sept. 5, 1979 and Jan. 23, 1980.
1980	—	U.S.-Mexico Agreement amending the Agreement concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band, as amended (TIAS 7697 and 9436). Effected by exchange of notes at Mexico Sept. 5, 1979 and Jan. 23, 1980. Entered into force Jan. 23, 1980.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 1787; TIAS 5649	U.S.-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93; TIAS 5766	U.S.-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165; TIAS 5777	U.S.-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181; TIAS 5779	U.S.-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817; TIAS 5815	U.S.-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869; TIAS 5824	U.S.-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973; TIAS 5836	U.S.-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1160; TIAS 5860	U.S.-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.

Date	Citations	Subject
1965	16 UST 1746; TIAS 5900	U.S.-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	16 UST 1131; TIAS 5856	U.S.-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742; TIAS 5899	U.S.-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047; TIAS 5941	U.S.-United Kingdom Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965. Supplemented by the amendment contained in TIAS 6800 which was signed Dec. 11, 1969.
1966	17 UST 328; TIAS 5978	U.S.-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Ascuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719; TIAS 6022	U.S.-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966. Modified by the amendment contained in TIAS 6711 which was signed Oct. 3, 1969.
1966	17 UST 813; TIAS 6038	U.S.-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760; TIAS 6028	U.S.-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426; TIAS 6189	U.S.-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966. (Extended to Netherlands Antilles.)
1966	17 UST 1120; TIAS 6068	U.S.-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1039; TIAS 6061	U.S.-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into Force July 19, 1966.
1966	17 UST 1560; TIAS 6112	U.S.-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215; TIAS 6159	U.S.-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525; TIAS 6259	U.S.-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554; TIAS 6264	U.S.-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543; TIAS 6261	U.S.-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361; TIAS 6243	U.S.-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1661; TIAS 6309	U.S.-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected By exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	18 UST 1241; TIAS 6273	U.S.-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1272; TIAS 6281	U.S.-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of noters at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	18 UST 2499; TIAS 6348	U.S.-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1967	18 UST 2878; TIAS 6378	U.S.-Austria Agreement regarding Alien Amateuir Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882; TIAS 6380	U.S.-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	20 UST 2883; TIAS 6766	U.S.-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Nov. 30 and Dec. 11, 1967. Entered into force Oct. 2, 1969.

Date	Citations	Subject
1967	18 UST 3153; TIAS 6406	U.S.-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	19 UST 7852; TIAS 6622	U.S.-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29, and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	19 UST 4892; TIAS 6494	U.S.-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1968	19 UST 5994; TIAS 6553	U.S.-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968.
1968	19 UST 6057; TIAS 6566	U.S.-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968.
1968	20 UST 490; TIAS 6654	U.S.-Indonesia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Djakarta Dec. 10, 1968. Entered into force Dec. 10, 1968.
1969	20 UST 773; TIAS 6690	U.S.-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27 and June 2, 1969. Entered into force June 2, 1969.
1969	20 UST 2398; TIAS 6711	U.S.-France Agreement regarding Alien Amateur Radio Operators amending the Agreement of May 5, 1966 (TIAS 6022). Effected by exchange of notes at Paris Oct. 3, 1969. Entered into force Oct. 3, 1969.
1969	20 UST 4089; TIAS 6800	U.S.-United Kingdom Agreement regarding Alien Amateur Radio Operators. Supplementing the Agreement of Nov. 26, 1965 (TIAS 5941). Effected by exchange of notes at London Dec. 11, 1969. Entered into force Dec. 11, 1969.
1970	21 UST 1960; TIAS 6936	U.S.-Brazil Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Rio de Janeiro and Brasilia Jan. 26, June 19, and July 30, 1970. Entered into force June 19, 1970.
1971	22 UST 694; TIAS 7127	U.S.-Jamaica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kingston March 4 and April 28, 1971. Entered into force April 28, 1971.
1971	22 UST 701; TIAS 7129	U.S.-Uruguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Montevideo May 28, 1971. Entered into force May 28, 1971.
1972	23 UST 1334; TIAS 7417	U.S.-Fiji Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Suva and Washington July 10 and Aug. 14, 1972. Entered into force Aug. 14, 1972.
1973	24 UST 2156; TIAS 7730	U.S.-Denmark Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Copenhagen Oct. 11, 1973. Entered into force Oct. 11, 1973
1974 and 1977	—; TIAS 8892	U.S.-Liberia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Monrovia Mar. 20, 1974 and July 22, 1977. Entered into force July 22, 1977.
1976	27 UST 3985; TIAS 8415	U.S.-Philippines Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Manila Oct. 25, 1976. Entered into force Oct. 25, 1976.
1978	—; TIAS 9260	U.S.-Iceland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Reykjavik April 26, 1978. Entered into force April 26, 1978.
1978	—; TIAS 9272	U.S.-Greece Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Athens June 20 and July 5, 1978. Entered into force July 5, 1978.
1978	—; TIAS 9314	U.S.-Surinam Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paramaribo Oct. 3 and 12, 1978. Entered into force Oct. 12, 1978.
1979	—; TIAS 9425	U.S.-Jordan Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Amman Feb. 6 and Mar. 11, 1979. Entered into force Mar. 11, 1979.
1979	—; TIAS 9456	US-Haiti Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Port au Prince Apr. 17 and May 17, 1979. Entered into force May 17, 1979.
1979	—	US-Spain Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Madrid Dec. 11 and 21, 1979. Entered into force Dec. 21, 1979.

(c) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	38 Stat. 1672; TS 581; 1 Bevans 883.	International Radiotelegraph Convention. Signed at London July 5, 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 767).
1927	45 Stat. 2760; TS 767; 2 Bevans 683.	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1929. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391; TS 867; 3 Bevans 65.	International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. Superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1902).
1937	54 Stat. 2514; EAS 200; 3 Bevans 480.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 18, 1938. This arrangement was replaced by the Inter-American Agreement concerning Radiocommunications, Santiago, 1940 (EAS 231).
1940	55 Stat. 1482; EAS 231; 3 Bevans 611.	Inter-American Radiocommunications Agreement between the United States, Canada and Other American Republics. Signed at Santiago Jan. 26, 1940. (Second Inter-American Radio Conference.) Entered into force with respect to the United States Feb. 25, 1942. Replaced by the Inter-American Radio Agreement, Washington, 1949 (TIAS 2489).
1947	63 Stat. (2) 1399; TIAS 1901; 4 Bevans 570.	International Telecommunication Convention and Radio Regulations. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949. The Convention was superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 3266). The Radio Regulations were superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1949	2 UST (1) 17; TIAS 2175; 4 Bevans 852.	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris August 5, 1949. Entered into force with respect to the United States Sept. 26, 1950. Superseded by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1952	6 UST 1213; TIAS 3266	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).
1958	10 UST 2423	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960. Superseded by the Telegraph Regulations, Geneva, 1973.
1959	12 UST 1761; TIAS 4892	International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Superseded by the International Telecommunication Convention, Montreux, 1965 (TIAS 6267).
1960	16 UST 185; TIAS 5780	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966. Superseded by the International Convention for the Safety of Life at Sea and Annexed Regulations, London, 1974.
1965	18 UST 575; TIAS 6267	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967. Superseded by the International Telecommunication Convention, Malaga-Torremolinos, 1973.

(d) There are certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following which are available from the Secretary General, International Civil Aviation Organization (ICAO), P.O. Box 400, Succursale: Place de l'Aviation Internationale, 1000 Sherbrooke Street West, Montreal H3A 2R2, Canada:

Date	Citations	Subject
1944	61 Stat. (2) 1180; TIAS 1591; 3 Bevans 944..	International Civil Aviation Convention. Signed at Chicago Dec. 7, 1944. Entered into force Apr. 4, 1947. Amended by the protocols contained in TIAS 3756, 5170, 8162, 7616, and 8092.
1954	8 UST 179; TIAS 3756...........	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 14, 1954. Entered into force Dec. 12, 1956.
1961	13 UST 2105; TIAS 5170.......	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 21, 1961. Entered into force July 17, 1962.
1962	26 UST 2374; TIAS 8162.......	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Rome Sept. 7, 1962. Entered into force Sept. 11, 1975.
1968	19 UST 7963; TIAS 6605.......	Protocol on the Authentic Trilingual Text of the Convention on International Civil Aviation (TIAS 1591). Done at Buenos Aires Sept. 24, 1968. Entered into force Oct. 24, 1968.
1969	20 UST 718; TIAS 6681.........	Proces-Verbal Rectification to the Protocol of Sept. 24, 1968, on the Authentic Text of the Convention on International Civil Aviation (Chicago, 1944). Done at Washington April 8, 1969. Entered into force April 8, 1969.
1971	24 UST 1019; TIAS 7616.......	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at New York March 12, 1971. Entered into force Jan. 16, 1973.
1971	26 UST 1061; TIAS 8092.......	Protocol Amending Article 56 of the International Civil Aviation Convention (TIAS 1591). Done at Vienna July 7, 1971. Entered into force Dec. 19, 1974.

Subpart H—Prohibition Against Eavesdropping

§ 2.701 Prohibition against use of a radio device for eavesdropping.

(a) No person shall use, either directly or indirectly, a device required to be licensed by section 301 of the Communications Act of 1934, as amended, for the purpose of overhearing or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

[31 FR 3400, Mar. 4, 1966]

Subpart I—Marketing of Radiofrequency Devices

AUTHORITY: Sec. 302, 82 Stat. 290; 47 U.S.C. 302.

SOURCE: 35 FR 7898, May 22, 1970, unless otherwise noted.

§ 2.801 Radiofrequency device defined.

As used in this part, a radiofrequency device is any device which in its operation is capable of emitting radiofrequency energy by radiation, conduction, or other means. Radiofrequency devices include, but are not limited to

(a) The various types of radio communication transmitting devices described throughout this chapter.

(b) The incidental and restricted radiation devices described in Part 15 of this chapter.

(c) The industrial, scientific, and medical equipment described in Part 18 of this chapter.

(d) Any part or component thereof which in use emits radiofrequency energy by radiation, conduction, or other means.

§ 2.803 Equipment requiring Commission approval.

In the case of a radiofrequency device, which, in accordance with the rules in this chapter must be type approved, type accepted, or certificated prior to use, no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purposes of selling or leasing or offering for sale or lease, any such radiofrequency device, unless, prior thereto, such device shall have been type approved, type accepted or certificated as the case may be. *Provided, however,* That the advertising or display of a device, which has not been granted type approval, type acceptance, or certification, will not be deemed to be an offer for sale if such advertising contains, and the display is accompanied by, conspicuous notice worded as follows:

> This device has not been approved by the Federal Communications Commission. This device is not, and may not be, offered for sale or lease, or sold or leased until the approval of the FCC has been obtained.

This provision does not apply to radio frequency devices that could not be granted an equipment authorization or be legally operated under our current rules. Such devices shall not be advertised or displayed or offered for sale or lease or sold or leased.

Provided further, That any nonapproved device displayed under the terms of the above proviso may not be activated or operated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 82 Stat. 290; 47 U.S.C. 154, 303)

[28 FR 12465, Nov. 22, 1963, as amended at 41 FR 47050, Oct. 27, 1976]

§ 2.805 Equipment that does not require Commission approval.

In the case of a radiofrequency device which, in accordance with the rules in this chapter must comply with specified technical standards prior to use, no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purposes of selling or leasing or offering for sale or lease, any such radiofrequency device, unless prior thereto such device complies with the applicable technical standards specified in the Commission's rules.

[35 FR 7898, May 22, 1970, as amended at 45 FR 24164, Apr. 9, 1980]

§ 2.806 Exemption for a computing device.

(a) Notwithstanding the provisions in § 2.805, the announcement and offer for sale of a computing device subject to the provisions in Part 15 of this Chapter which is in the conceptual developmental, design or preproduction stage is permitted prior to verification of compliance, provided the prospective buyer is advised in writing at the time of announcement or offer for sale that said equipment is subject to FCC Rules and that said equipment shall comply with the appropriate FCC Rules prior to final delivery to the buyer or to the centers of distribution.

(b) Manufacturers of Class A computing devices as defined in Part 15 of this Chapter shall have the option of insuring compliance with applicable technical specifications of this Chapter at each end user's location after installation, provided that the purchase or lease agreement includes a proviso that such a determination of compliance be made and is the responsibility of the manufacturer of the equipment.

(c) Until compliance has been determined, a computing device subject to provisions in Part 15 of this Chapter may be activated or operated only for the purpose of compliance testing.

[45 FR 24164, Apr. 9, 1980]

§ 2.807 Statutory exceptions.

As provided by section 302(c) of the Communications Act of 1934, as amended §§ 2.803 and 2.805 shall not be applicable to:

(a) Carriers transporting radiofrequency devices without trading in them.

(b) Radiofrequency devices manufactured solely for export.

(c) The manufacture, assembly, or installation of radiofrequency devices for its own use by a public utility engaged in providing electric service: *Provided, however,* That no such device shall be operated if it causes harmful interference to radio communications.

(d) Radiofrequency devices for use by the Government of the United States or any agency thereof: *Provided, however,* That this exception shall not be applicable to any device after it has been disposed of by such Government or agency.

§ 2.809 Exception for ISM equipment.

(a) Sections 2.803 and 2.805 shall not apply to the following ISM equipments:

(1) Ultrasonic equipment as defined in § 18.3(e) of this chapter which generates 2 kW. or more of radiofrequency energy.

(2) Particle accelerators, e.g., cyclotrons, and other similar scientific equipment.

(3) Electro-erosion equipment.

(4) Sputtering equipment using RF energy.

(5) RF stabilized arc welders.

(6) Industrial heating equipment as defined in § 18.3(c), of this chapter which generates 10 kW. or more of RF energy.

(b) Sections 2.803 and 2.805 shall not apply to industrial heating equipment as defined in § 18.3(c) of this chapter which generates less than 10 kW. of RF energy: *Provided, however:*

(1) The vendor of such equipment has notified the purchaser/lessee in writing whether the equipment as delivered will meet the technical standards in Part 18 of this chapter, or whether the equipment must be installed in a screened enclosure before it may be operated.

(2) A copy of the notification shall be furnished to the Federal Communications Commission, Washington, D.C. 20554, Attention: Field Engineering Bureau.

(3) The copy of the notification furnished to the Commission shall include:

Name and address of purchaser/lessee,
Name of manufacturer,
Type or model of the equipment delivered, and
Nominal operating frequency and power.

(c) The equipment listed in paragraphs (a) and (b) of this section must meet the applicable certification or type approval requirement of Part 18 of this chapter before such equipment is operated.

§ 2.811 Transmitters operated under Part 73.

Sections 2.803 and 2.805 shall not be applicable to a transmitter operated in any of the Radio Broadcast Services regulated under Part 73 of this chapter, provided the conditions set out in Part 73 of this chapter for the acceptability of such transmitter for use under licensing are met.

§ 2.813 Transmitters operated in the Instructional Television Fixed Service.

Sections 2.803 and 2.805 shall not be applicable to a transmitter operated in the Instructional Television Fixed Service regulated under Part 74 of this chapter provided the conditions in § 74.952 of this chapter for the acceptability of such transmitter for licensing are met.

§ 2.815 External radio frequency power amplifiers.

(a) As used in this part, an external radio frequency power amplifier is any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

(b) After April 27, 1978, no person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies between 24 and 35 MHz.

NOTE: For purposes of this part, the amplifier will be deemed incapable of operation between 24 and 35 MHz if—

(1) The amplifier has no more than 6 decibels of gain between 24 and 26 MHz and between 28 and 35 MHz. (This gain is determined by the ratio of the input RF driving signal (mean power measurement) to the mean RF output power of the amplifier.); and

(2) The amplifier exhibits no amplification (0 decibels of gain) between 26 and 28 MHz.

(c) No person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies below 144 MHz unless the amplifier has received a grant of type acceptance in accordance with Subpart J of this part and Subpart C of Part 97 or other relevant parts of this chapter. No more than 10 external radio frequency power amplifiers or amplifier kits may be constructed for evaluation purposes in preparation for the submission of an application for a grant of type acceptance.

NOTE: For the purposes of this part, an amplifier will be deemed incapable of operation below 144 MHz if the amplifier is not capable of being easily modified to increase its amplification characteristics below 120 MHz, and either:

(1) The mean output power of the amplifier decreases, as frequency decreases from 144 MHz, to a point where 0 decibels or less gain is exhibited at 120 MHz and below 120 MHz; or

(2) The amplifier is not capable of even short periods of operation below 120 MHz without sustaining permanent damage to its amplification circuitry.

(d) The proscription in paragraph (b) of this section shall not apply to the marketing, as defined in that paragraph, by a licensed amateur radio operator to another licensed amateur radio operator of an external radio frequency power amplifier fabricated in not more than one unit of the same model in a calendar year by that operator provided the amplifier is for the amateur operator's personal use at his licensed amateur radio station and the requirements of §§ 97.75 and 97.76 of this chapter are met.

(e) The proscription in Paragraph (c) of this section shall not apply in the marketing, as defined in that paragraph, by a licensed amateur radio operator to another licensed amateur radio operator of an external radio frequency power amplifier if the amplifier is for the amateur radio operator's personal use at his licensed amateur radio station and the requirements of §§ 97.75 and 97.76 of this chapter are met.

(Sec. 4, 302, 82 Stat., 290; 47 U.S.C. 302; secs 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[40 FR 1246, Jan. 7, 1975; 40 FR 6474, Feb. 12, 1975, as amended at 43 FR 12687, Mar. 27, 1978; 43 FR 33725, Aug. 1, 1978; 46 FR 18981, Mar. 27, 1981]

Subpart J—Equipment Authorization Procedures

SOURCE: 39 FR 5919, Feb. 15, 1974, unless otherwise noted.

GENERAL PROVISIONS

§ 2.901 Basis and purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment and parts or components thereof. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards provided, the rules governing the service may require that such equipment be verified by the manufacturer or importer, or that such equipment receive equipment authorization from the Commission by one of the following procedures: Type approval, type acceptance, certification, or telephone equipment registration.

(b) The following sections describe the verification procedure and the procedures to be followed in obtaining type approval, type acceptance or certification from the Commission and the conditions attendant to such a grant.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23249, Apr. 24, 1981]

§ 2.902 Verification.

(a) Verification is a procedure where the manufacturer makes measurements or takes the necessary steps to insure that the equipment complies with the appropriate technical standards. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested by the Commission pursuant to § 2.957, of this part.

(b) Verification attaches to all items subsequently marketed by the manufacturer or importer which are identical as defined in § 2.908 to the sample tested and found acceptable by the manufacturer.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23249, Apr. 24, 1981]

§ 2.903 Type approval.

(a) Type approval is an equipment authorization issued by the Commission based on examination and measurement of one or more sample units by the Commission at its laboratory.

(b) Type approval attaches to all units subsequently marketed by the grantee which are identical (See § 2.908) in all respects to the sample tested by the Commission or include only changes authorized by the Commission pursuant to § 2.967.

[39 FR 5919, Feb. 15, 1974; 39 FR 8617, Mar. 6, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.905 Type acceptance.

(a) Type acceptance is an equipment authorization issued by the Commission for equipment to be used pursuant to a station authorization. Type acceptance is based on representations and test data submitted by the applicant.

(b) Type acceptance attaches to all units subsequently marketed by the grantee which are identical (See § 2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to § 2.1001.

[39 FR 5919, Feb. 15, 1974; 39 FR 8617, Mar. 6, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.907 Certification.

(a) Certification is an equipment authorization issued by the Commission for equipment designed to be operated without individual license under Parts 15 and 18 of its rules, based on representations and test data submitted by the applicant.

(b) Certification attaches to all units subsequently marketed by the grantee which are identical (see § 2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to § 2.1043.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.908 Identical defined.

As used in this subpart, the term identical means identical within the variation that can be expected to arise as a result of quantity production techniques.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23249, Apr. 24, 1981]

APPLICATION PROCEDURES: TYPE APPROVAL, TYPE ACCEPTANCE, CERTIFICATION, VERIFICATION

§ 2.909 Written application required.

(a) An application for equipment authorization shall be filed on a form prescribed by the Commission.

(b) Each application shall be accompanied by all information required by this Subpart and by those Parts of the rules governing operation of the equipment, and by requisite test data, diagrams, etc., as specified in this Subpart and in those sections of rules whereunder the equipment is to be operated.

(c) Each application including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association: *Provided, however,* That the application may be signed by the applicant's authorized representative who shall indicate his title, such as plant manager, project engineer, etc.

(d) Technical test data shall be signed by the person who performed or supervised the tests. The person signing the test data shall attest to the accuracy of such data. The Commission may require such person to submit a statement showing that he is qualified to make or supervise the required measurements.

(e) The signatures of the applicant and the person certifying the test data shall be made personally by those persons on the original application; copies of such documents may be conformed. Signatures and certifications need not be made under oath.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.911 Fees.

No application for an equipment authorization will be accepted for processing unless it is accompanied by the fees prescribed in the Commission's schedule of fees in Subpart G of Part 1 of this chapter.

§ 2.912 Fees for type approval.

(a) An application for type approval must be accompanied by the filing fee prescribed in § 1.1120 of this chapter.

(b) Each grant of type approval is expressly conditioned (1.1102(d)) upon payment of the requisite grant fee prescribed in § 1.1120 of this chapter. Failure to remit the specified grant fee within the time prescribed will result in rescission of the type approval which will then become null and void.

§ 2.913 Fees for type acceptance or certification.

An application for type acceptance or certification must be accompanied by the application fee specified in § 1.1120.

[41 FR 19948, May 14, 1976]

§ 2.915 Grant of application.

(a) The Commission will grant an application for type approval, type acceptance, or certification if it finds from an examination of the application and supporting data, or other matter which it may officially notice, that:

(1) The equipment is capable of complying with pertinent technical standards of the rule part(s) under which it is to be operated; and,

(2) A grant of the application would serve the public interest, convenience and necessity.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Neither type approval, type acceptance nor certification shall attach to any equipment, nor shall any equipment authorization be deemed effective, until the application has been granted.

§ 2.917 Dismissal of application.

(a) An application which is not in accordance with the provisions of this Subpart may be dismissed.

(b) Any application, upon written request signed by the applicant or his attorney, may be dismissed prior to a determination granting or denying the authorization requested.

(c) If an applicant is requested by the Commission to file additional documents or information and fails to submit the requested material within 60 days, the application may be dismissed.

(d) An application for type approval which has been accepted by the Commission in which the equipment required to be tested is not received by the Commission's Laboratory within six months following the date of the application, may be dismissed.

§ 2.919 Denial of application.

If the Commission is unable to make the findings specified in § 2.915(a), it will deny the application. Notification to the applicant will include a statement of the reasons for the denial.

§ 2.921 Hearing on application.

Whenever it is determined that an application for equipment authorization presents substantial factual questions relating to the qualifications of the applicant or the equipment (or the effects of the use thereof), the Commission may designate the application for hearing. A hearing on an application for an equipment authorization shall be conducted in the same manner as a hearing on a radio station application as set out in Subpart B of Part 1 of this chapter.

§ 2.923 Petition for reconsideration; application for review.

Persons aggrieved by virtue of an equipment authorization action may file with the Commission a petition for reconsideration or an application for review. Rules governing the filing of petitions for reconsideration and applications for review are set forth in §§ 1.106 and 1.115, respectively, of this chapter.

§ 2.925 Identification of equipment.

(a) Each equipment covered by an application for equipment authorization filed on or after May 1, 1981, shall bear a nameplate/label displaying the FCC Identifier validated by the Commission pursuant to § 2.926(a), the grantee name or trade name as specified in the application for equipment authorization, and, for equipment of foreign origin, the country of origin as required by 19 U.S.C. 1304. The nameplate/label shall display in an area circumscribed by a line the following data: The FCC Identifier on a single line preceded by the term "FCC ID:" in capital letters; and the country of origin, for equipment of foreign origin (See Example A below). If desired, the grantee name or trade name may be included in the circumscribed area, provided the names, if different, are listed on separate lines (See Example B below). Additional labeling requirements as set forth in the rules governing specific devices or other information desired by the grantee shall be displayed outside the circumscribed area. No equipment may be marked so as to appear to have more than one trade name.

Example A

FCC ID: XXXYYY1234A
(country of origin)*

Example B

FCC ID: XXXYYY1234A
(grantee name)**
(trade name)**
(country of origin)*

* applies only to equipment of foreign origin

** The grantee name or trade name as specified in the application for equipment authorization.

(1) A prospective grantee (party identified as the applicant for equipment authorization on FCC Form 731) may request equipment authorization for any new equipment under the single system of identification prior to the May 1, 1981 mandatory compliance date. Equipment authorized as a result of this option is required to be identified pursuant to paragraph (a) of this section. Parties not selecting this option must follow the application procedures in paragraph (g) of this section and label such equipment accordingly. (See § 2.926(e) concerning placing FCC Identifier(s) on equipment prior to validation of such identifier(s) by a Grant of Equipment Authorization issued by the Commission.)

(2) Equipment subject only to registration will be identified pursuant to Part 68 of this chapter.

(b) Any device subject to more than one equipment authorization procedure may be assigned a single FCC Identifier. However, a single FCC Identifier is required to be assigned to any device consisting of two or more sections assembled in a common enclosure, on a common chassis or circuit board, and with common frequency controlling circuits. Devices to which a single FCC Identifier has been assigned shall be identified pursuant to paragraph (a) of this section.

(1) Separate FCC Identifiers may be assigned to a device consisting of two or more sections assembled in a common enclosure, but constructed on separate sub-units or circuit boards with independent frequency controlling circuits. For devices in this category, the FCC Identifier assigned to any transmitter section shall be preceded by the term "RX FCC ID:", the FCC Identifier assigned to any receiver section shall be preceded by the term "TX FCC ID:", and the identifier(s) assigned to any remaining section(s) shall be preceded by the term "FCC ID:". Devices to which separate identifiers have been assigned shall have all FCC Identifiers, with the appropriate preceding terms included in the circumscribed area of the nameplate/label pursuant to paragraph (a) of this section.

(2) Where telephone equipment subject to Part 68 of this chapter, and a

radiofrequency device subject to equipment authorization requirements are assembled in a common enclosure, the nameplate/label shall display the FCC Registration Number in the format specified in Part 68 and the FCC Identifier in the format specified in paragraph (a) of this section.

(3) Applications filed on or after May 1, 1981, and applications filed earlier requesting equipment authorization using the single system of identification pursuant to Section (a)(1) will receive a review of the identification portion by the Commission's Laboratory with respect to nameplate/label design within 30 days after receipt at the Laboratory. Failure by the Laboratory to reject a namplate design proposed in any particular application within this time period will constitute de-facto acceptance of the nameplate/label design for that particular equipment. Such de-facto acceptance will be limited to the equipment covered by the particular application and will not be considered to establish a precedent for other applications. This review deadline applies only to the proposed nameplate/label design, not to the remainder of the application.

(c) [Reserved]

(d) The nameplate or label shall be permanently affixed to the equipment and shall be readily visible to the purchaser at the time of purchase.

(1) As used here, "permanently affixed" means that the required nameplate data is etched, engraved, stamped, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment enclosure. Alternatively, the required information may be permanently marked on a nameplate of metal, plastic, or other material fastened to the equipment enclosure by welding, riveting, ect., or with a permanent adhesive. Such a nameplate must be able to last the expected lifetime of the equipment in the environment in which the equipment will be operated and must not be readily detachable.

(2) As used here, "readily visible" means that the nameplate or nameplate data must be visible from the outside of the equipment enclosure. It is preferable that it be visible at all times during normal installation or use, but this is not a prerequisite for grant of equipment authorization.

(e) Where it is shown that a permanently affixed nameplate is not desirable or is not feasible, an alternative method of positively identifying the equipment may be used if approved by the Commission. The proposed alternative method of identification and the justification for its use must be included with the application for equipment authorization.

NOTE: As an example, a device intended to be implanted within the body of a test animal or person would probably require an alternate method of identification.

(f) The term: "FCC ID:" and the coded identification assigned by the Commission shall be in a size of type large enough to be readily legible, consistent with the dimensions of the equipment and its nameplate. However, the type size for the FCC Identifier is not required to be larger than eight-point.

(g) Unless assigned an FCC Identifier pursuant to §§ 2.925 (a) and (a)(1), each equipment for which an equipment authorization application is filed before May 1, 1981, shall be uniquely identified with a name and type or model number inscribed on a nameplate or label. The detailed information to be inscribed on the nameplate or label is set out in the rules for the particular form of equipment authorization required, and for some kinds of equipments, in the rules governing the specific category of devices. The type or model number required for equipment subject to this paragraph shall comply with the following requirements:

(1) The type or model number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces in any assigned type or model number shall not exceed 17;

(2) The type or model number will be specified in the grant of equipment authorization and will be identical to that assigned by the manufacturer or applicant and given in the application for equipment authorization;

(3) The type or model number shall be one which has not been used previously in conjunction with the same name that will be on the equipment.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303, 307)

[44 FR 17177, Mar. 21, 1979, as amended at 44 FR 55574, Sept. 27, 1979; 46 FR 21013, Apr. 8, 1981]

§ 2.926 FCC Identifier.

(a) A Grant of Equipment Authorization issued by the Commission will list the validated FCC Identifier covering the equipment described in the application for equipment authorization. The identifier will consist of the grantee and manufacturer codes assigned by FCC pursuant to paragraphs (b) and (c) of this section, and the number assigned by the grantee pursuant to paragraph (d) of this section.

Example: XXXYYY1234A
XXX—Grantee code
YYY—Manufacturer code
1234A—Number

(1) The identifier codes assigned pursuant to paragraphs (b) and (c) of this section are assigned uniquely to specific grantees and manufacturers and are valid only for the parties listed as grantee or manufacturer at the time of assignment.

(2) The list of identifier codes assigned pursuant to paragraphs (b) and (c) of this section will not be reproduced for public distribution. It will be made available for official use by FCC and U.S. Customs staffs.

(b) A grantee code will have three characters consisting of Arabic numerals, capital letters or a combination thereof. A prospective grantee (party identified as the applicant for equipment authorization on FCC Form 731) may submit a written request to the Commission to assign a grantee code at any time. However, it is preferred that grantee codes be requested prior to filing applications for equipment authorization. If a grantee code is not requested in advance, one will be assigned at the time an equipment authorization application is received by the FCC Laboratory, and the applicant may be notified to make any necessary nameplate/label revisions in order to comply fully with application procedural rules.

(1) After assignment of a grantee code each grantee will continue to use the same grantee code for subsequent equipment authorization applications. In the event that the grantee name is changed, or ownership is transferred, the circumstances should be reported to the Commission so that a new grantee code can be assigned, if appropriate. Where it is determined that a new grantee code is required to be assigned, the grant(s) of equipment authorization covering the equipment involved may be reissued, depending on the circumstances surrounding the name change or transfer of ownership. See §§ 2.934 and 2.935 for additional information.

(c) A manufacturer code will have three characters consisting of Arabic numerals, capital letters or a combination thereof. A manufacturer (or a grantee who proposes to use its service) may submit a written request to the Commission to assign a manufacturer code at any time. However, it is preferred that manufacturer codes be requested prior to filing applications for equipment authorization. A manufacturer having more than one manufacturing facility with an identical name in the same country, but located at different addresses, may request the FCC to assign a single manufacturer code to cover all locations. If a manufacturer code is not requested in advance, one will be assigned at the time the application is received by the FCC Laboratory, and the applicant may be notified to make any necessary nameplate/label revisions in order to comply fully with the application procedural rules.

NOTE: The term "manufacturer" as used in this section and as defined by FCC is that party who fabricates any equipment subject to equipment authorization which is to be sold as a finished product for public consumption. Manufacturer codes should not be requested and will not be assigned to suppliers of subassemblies or components used by the actual manufacturer in production of the equipment.

(1) After assignment of a code to a manufacturer, that party will continue to use the same manufacturer code for all subsequent equipment authoriza-

tion applications, whether for the same or another grantee. In the event the manufacturer name is changed, or ownership is transferred, the circumstances should be reported to the Commission so that a new manufacturer code can be assigned, if appropriate. This notification should be routed via the grantee(s) involved, since assignment of a new manufacturer code may require new grant(s) of equipment authorization to be issued covering the equipment involved, depending on the circumstances surrounding the name change or transfer of control. See §§ 2.934 and 2.935 for additional information.

(2) Where a grantee lists two or more parties as manufacturers of a given equipment, a code must be requested for each manufacturer. A separate grant of equipment authorization will be issued, listing each manufacturer and the respective FCC Identifier.

(d) The number assigned by the grantee shall consist of a series of Arabic numerals, capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces (within the number itself) shall not exceed 11. The number assigned to the equipment shall be one which has not been used previously in conjunction with (i) the same grantee and manufacturer code and, (ii) the same grantee/trade name and manufacturer code where a code has been assigned to represent a specific trade name and only a trade name is displayed on the nameplate/label.

(e) No FCC Identifier may be used on equipment to be marketed unless that specific identifier shall have been validated by a grant of equipment authorization issued by the Commission. The FCC Identifier is uniquely assigned to the grantee and may not be placed on the equipment without authorization by the grantee. See § 2.803 for conditions applicable to display at trade shows of equipment which has not been granted equipment authorization where such grant is required prior to marketing. Labelling of such equipment may include model or type numbers, but shall not include a purported FCC Identifier.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 82 Stat. 290; 47 U.S.C. 154, 303, 307)

[44 FR 17179, Mar. 21, 1979, as amended at 46 FR 21014, Apr. 8, 1981]

CONDITIONS ATTENDANT TO A GRANT OF AN EQUIPMENT AUTHORIZATION

§ 2.927 Limitations on grants.

(a) A grant of an equipment authorization is effective until revoked or withdrawn, rescinded, surrendered, or a termination date is otherwise established by the Commission.

(b) A grant of an equipment authorization signifies that the Commission has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. The issuance of an equipment authorization should not be construed as a finding by the Commission with respect to matters not encompassed by the Commission's rules.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to an equipment authorization in a deceptive or misleading manner or convey the impression that such equipment authorization reflects more than a Commission determination that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.

(d) The issuance of an equipment authorization for a wireless microphone reflects no more than a Commission determination that the device has been shown to be capable of compliance with the applicable technical standards of the Commission's Rules, and should not be construed as a finding by the Commission as to matters not encompassed by the rules, especially with respect to compliance with 18 U.S.C. 2512.

[39 FR 5919, Feb. 15, 1974, as amended at 44 FR 29066, May 18, 1979]

§ 2.929 Nonassignability of an equipment authorization.

(a) An equipment authorization issued by the Commission may not be assigned, exchanged or in any other way transferred to a second party.

(b) The grantee of an equipment authorization may license or otherwise authorize a second party to manufacture or market the equipment covered by the grant of the equipment authorization provided:

(1) The equipment manufactured by such second party bears the identical name and number as is set out in the grant of the equipment authorization.

NOTE: Any change in the name or number desired as a result of such production or marketing agreement will require the filing of a new application for an equipment authorization as specified in § 2.933.

(2) The grantee of the equipment authorization shall continue to be responsible to the Commission for the equipment produced pursuant to such an agreement.

(3) Notice that such a licensing agreement has been entered in shall be provided to the Commission within 30 days after the execution of the agreement. The notice shall indicate with specificity the equipment involved, the date of application and date of grant of the equipment authorization, and shall indicate the provisions that the grantee has made to insure that equipment manufactured by such licensee will continue to comply with the Commission's regulations. The Commission may require the submission of additional information (new measurement data, etc.) depending on the circumstances in the particular case.

§ 2.931 Responsibility of the grantee.

(a) In accepting a grant of an equipment authorization the grantee warrants that each unit of equipment marketed under such grant and bearing the name and type or model number specified in the grant will conform to the unit that was measured and that the data (design and rated operational characteristics) filed with the application for type acceptance or certification, or measured by the Commission in the case of type approved equipment, continues to be representative of the equipment being produced under such grant within the variation that can be expected due to quantity production and testing on a statistical basis.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 2780, Aug. 1, 1974]

§ 2.932 Modification of equipment.

(a) A new application for an equipment authorization shall be filed whenever there is a change in the design, circuitry or construction of an equipment or device for which an equipment authorization has been issued, except as provided in paragraphs (b), (c), and (d) of this section.

(b) Permissive changes may be made in a type accepted equipment pursuant to § 2.1001.

(c) Permissive changes may be made in a certificated equipment pursuant to § 2.1043.

(d) For changes in type approved equipment the procedure in § 2.967 shall apply.

§ 2.933 Change in identification of equipment.

(a) A new application for an equipment authorization shall be filed whenever there is a change in the identification of the equipment with or without a change in design, circuitry or construction.

(b) An application filed pursuant to paragraph (a) of this section where no change in design, circuitry or construction is involved, need not be accompanied by a resubmission of equipment or measurement or test data customarily required with a new application, unless specifically requested by the Commission. In lieu thereof, the applicant shall attach a statement setting out:

(1) The original identification used on the equipment prior to the change in identification.

(2) The date of the original grant of the equipment authorization.

(3) The original type approval number assigned by the Commission, if one was assigned.

(4) How the equipment bearing the modified identification differs from the original equipment.

(5) Whether the data previously filed with the Commission (or measured by the Commission in the case of type approved equipment) continues to be representative of and applicable to the equipment bearing the changed identification.

(6) In the case of type accepted equipment, the photographs required by § 2.983(f).

(7) In the case of certificated equipment, the photographs required by § 2.1033(c).

(c) If the change in identification also involves a change in design or circuitry which falls outside the purview of a permissive change described in §§ 2.1001 or 2.1043, a complete application shall be filed pursuant to § 2.909.

§ 2.934 Change in name of grantee.

Whenever there is a change in the name of the grantee of an equipment authorization, notice of such change must be received by the Commission not later than 60 days after the grantee starts using the new name.

§ 2.935 Change in control of grantee.

In the case of a transfer of control of the grantee of an equipment authorization, as in the case of sale or merger of the grantee, notice of such transfer must be received by the Commission not later than 60 days subsequent to the consummation of the agreement effecting the transfer of control. Depending on the circumstances in each case, the Commission may require new applications for equipment authorization for each device or equipment held by the predecessor in interest, production of which will be continued by the acquiring party.

§ 2.936 FCC inspection.

Each grantee of an equipment authorization shall upon reasonable request, submit the following to the Commission or shall make the following available for inspection:

(a) The device or equipment covered by the grant of equipment authorization.

(b) The record of design drawings and specifications required by § 2.931(b)(1).

(c) The record of the procedures used for production inspection and testing required by § 2.931(b)(2).

(d) The manufacturing plant and facilities.

§ 2.937 Equipment defect and/or design change.

When a complaint is filed with the Commission concerning the failure of equipment marketed under an equipment authorization to comply with pertinent requirements of the Commission's rules, and the Commission determines that the complaint is justified and arises out of an equipment fault attributable to the grantee, the Commission may require the grantee to investigate such complaint and report the results of such investigation to the Commission. The report shall also indicate what action if any has been taken or is proposed to be taken by the grantee to correct the defect, both in terms of future production and with reference to articles in the possession of users, sellers and distributors.

§ 2.938 Retention of records.

(a) For each equipment for which an equipment authorization has been issued, the grantee shall maintain the records listed below:

(1) A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of § 2.931.

(2) A record of the procedures used for production inspection and testing to insure the conformance required by § 2.931.

(b) The provisions of paragraph (a) of this section shall also apply to a manufacturer of equipment produced under an FCC equipment authorization pursuant to a license, purchase or other contractural agreements between said manufacturer and the grantee of the equipment authorization. Retention of records by said manufacturer in these circumstances shall satisfy the grantee's responsibility under paragraph (a) of this section.

(c) The records listed in paragraph (a) of this section shall be retained for one year after the manufacture of said equipment item has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the grantee (or under paragraph (b) of this section the manufacturer) is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

(d) The records required to be retained by paragraph (a) of this section shall apply only to equipment for which the equipment authorization was issued on or after September 1, 1974 or for which the license, purchase or other contractual agreement in paragraph (b) of this section was signed on or after September 1, 1974.

[39 FR 27802, Aug. 1, 1974]

§ 2.939 Revocation or withdrawal of equipment authorization.

(a) The Commission may revoke any equipment authorization:

(1) For false statements or representations made either in the application or in materials or response submitted in connection therewith or in records required to be kept by § 2.931(b).

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.

(3) If it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission.

(4) Because of conditions coming to the attention of the Commission which would warrant it in refusing to grant an original application.

(b) Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses.

(c) The Commission may withdraw any equipment authorization in the event of changes in its technical standards. The procedure to be followed will be set forth in the order promulgating such new technical standards (after appropriate rulemaking proceedings) and will provide a suitable amortization period for equipment in hands of users and in the manufacturing process.

§ 2.941 Availability of information relating to grants.

(a) Grants of equipment authorizations other than receiver certifications will be publicly announced in a timely manner by the Commission. Information about a receiver certification may be obtained by contacting the Office of Science and Technology.

(b) Information relating to equipment authorizations such as data submitted by the applicant in connection with an authorization application, laboratory tests of the device, etc., shall be available in accordance with § 0.457 of this chapter.

[39 FR 5919, Feb. 15, 1974, as amended at 44 FR 39181, July 5, 1979]

§ 2.943 Submission of equipment for testing.

(a) The Commission may require an applicant for type acceptance or certification to submit one or more sample units for measurement at the Commission's laboratory.

(b) In the event the applicant believes that shipment of the sample to the Commission's laboratory is impractical because of the size or weight of the equipment, or the power requirement, or for any other reason, the applicant may submit a written explanation why such shipment is impractical and should not be required.

§ 2.945 Sampling tests of equipment compliance.

The Commission will, from time to time, request the grantee to submit various equipment(s) for which an equipment authorization(s) has been granted, to determine the extent to which subsequent production of such equipment continues to comply with the data filed by the applicant (or measured by the Commission in the case of type approved equipment). Shipping costs to the Commission's laboratory and return shall be borne by the grantee.

[39 FR 27802, Aug. 1, 1974]

§ 2.947 Measurement procedure.

(a) The Commission will accept data which have been measured in accordance with the following standards or measurement procedures:

(1) Those set forth in bulletins or reports prepared by the Commission's Office of Science and Technology. These will be issued as required, and specified in the particular part of the rules where applicable.

(2) Those acceptable to the Commission and published by national engineering societies such as the Electronic Industries Association, the Institute of Electrical and Electronic Engineers, Inc., and the American National Standards Institute.

(3) Any measurement procedure acceptable to the Commission may be used to prepare data demonstrating compliance with the requirements of this chapter.

(b) Information submitted pursuant to paragraph (a) of this section shall completely identify the specific standard or measurement procedure used.

(c) In the case of equipment requiring measurement procedures not specified in the references set forth in paragraph (a) (1) and (2) of this section, the applicant shall submit a detailed description of the measurement procedures actually used.

(d) A listing of the test equipment used shall be submitted.

(e) If deemed necessary, the Commission may require additional information concerning the measurement procedures employed in obtaining the data submitted for equipment authorization purposes.

[42 FR 44987, Sept. 8, 1977, as amended at 44 FR 39181, July 5, 1979]

VERIFICATION

AUTHORITY: Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.

SOURCE: 46 FR 23249, Apr. 24, 1981, unless otherwise noted.

§ 2.951 Cross reference.

The provisions of § 2.901, et seq., shall apply to equipment subject to verification.

§ 2.952 Limitation on verification.

(a) Verification signifies that the manufacturer or importer has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the manufacturer or importer with respect to matters not encompassed by the Commission's rules.

(b) Verification of the equipment by the manufacturer or importer is effective until a termination date is otherwise established by the Commission.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to a verification in a deceptive or misleading manner or convey the impression that such verification reflects more than a determination by the manufacturer or importer that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.

§ 2.953 Responsibility of manufacturer or importer.

(a) In verifying compliance, the manufacturer or importer (in the case of imported equipment) warrants that each unit of equipment marketed under the verification procedure will conform to the unit tested and found acceptable by the manufacturer or importer and that data on file with the manufacturer or importer continues to be representative of the equipment being produced under such verification within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) The importer of equipment subject to verification may upon receiving a written statement from the manufacturer that the equipment complies with the appropriate technical standards rely on the manufacturer or independent testing agency to verify compliance. The test records required by § 2.955 however should be in the English language and made available to the Commission upon a reasonable request.

(c) In the case of transfer of control of equipment, as in the case of sale or merger of the grantee, the new manufacturer or importer shall bear the responsibility of continued compliance of the equipment.

(d) Equipment verified by the manufacturer or importer shall be reverified if the modification or change adversely affects the emanation characteristics of the modified equipment. The manufacturer or importer continues to bear the responsibility for continued compliance of subsequently produced equipment.

§ 2.954 Identification.

The identification of equipment subject to verification shall be consistent with current manufacturer or marketing practices: *Provided,* The manufacturer or importer maintains adequate identification records for each unit verified to facilitate positive identification of each equipment marketed.

§ 2.955 Retention of records.

(a) For each equipment subject to verification, the manufacturer (or importer) shall maintain the records listed below:

(1) A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of § 2.953.

(2) A record of the procedures used for production inspection and testing (if tests were performed) to insure the conformance required by § 2.953. (Statistical production line emission testing is not required).

(b) The records listed in paragraph (a) of this section shall be retained for two years after the manufacture of said equipment item has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the manufacturer or importer is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

§ 2.956 FCC inspection and submission of equipment for testing.

(a) Each manufacturer or importer of equipment subject to verification shall upon receipt of reasonable request submit to the Commission the records required by § 2.955.

(b) The Commission may require the manufacturer or importer of equipment subject to verification to submit one or more of sample units for measurements at the Commission's Laboratory.

(c) In the event the manufacturer believes that shipment of the sample to the Commission's Laboratory is impractical because of the size or weight of the equipment, or the power requirement or for any other reason, the applicant may submit a written explanation why such shipment is impractical and should not be required.

§ 2.957 Sampling tests of equipment compliance.

The Commission will from time to time, request the manufacturer or importer to submit to the FCC Laboratory in Columbia, Maryland, various equipment(s) for which verification has been made, to determine the extent to which subsequently produced units continue to comply with the applicable standards. Shipping costs to the Commission's Laboratory and return shall be borne by the manufacturer or importer.

TYPE APPROVAL

§ 2.961 Cross reference.

The provisions of this subpart, §§ 2.901 et seq., shall apply to applications for and grant of type approval.

§ 2.963 Application for type approval.

(a) An application for type approval shall be filed on FCC Form 731 with all questions answered.

(b) The application shall be filed by the party whose name will be placed on the equipment.

(c) If the applicant is not the manufacturer of the equipment, he shall attach a statement explaining the relationship between the applicant and the manufacturer accompanied by a confirming statement from the actual manufacturer.

(d) The applicant shall attach a statement containing a technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the technical standards of the applicable rules. The description should include the information listed below. If an item is not applicable, this should be stated.

(1) Type(s) of emission.

(2) Frequency range.

(3) Range of operating power and description of means provided for variation of operating power.

(4) Maximum power rating as defined in the applicable rules.

(5) The voltages applied to and currents into the several elements of the final radio frequency amplifying device for normal operation over the power range. Indicate whether these voltages and currents are DC or AC.

(6) Function of each electron tube, semiconductor or other active circuit device.

(7) Complete circuit diagram.

(8) *Instruction books.* If the instruction book(s) is not available when the application is filed a set of draft instructions should be provided and the complete instruction book should be submitted as soon as available.

(9) Tune up procedure over the power range or at specific operating power levels.

(10) A description of all circuitry and devices provided for determining and stabilizing frequency.

(11) A description of any circuits or devices employed for suppression of spurious radiation, for limiting modulation, and for limiting the operating power.

(12) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 41 FR 19948, May 14, 1976]

§ 2.965 Submission of equipment for type approval testing.

After an application for type approval has been filed and accepted by the Commission, the applicant will be given instructions concerning the shipment of the equipment to the Commission's Laboratory. After testing is completed, the equipment will be returned to the applicant. Shipping costs to the Commission's Laboratory and return shall be borne by the applicant.

§ 2.967 Changes in type approved equipment.

(a) No mechanical or electrical change whatsoever may be made in a type approved equipment without prior approval by the Commission.

NOTE: Changes only in color of finish, or use of technically equivalent non-critical parts of different manufacture are not considered to be changes within the intent of this section. However, changes in make of critical parts (such as magnetrons) or type of semiconductors or vacuum tubes are considered to be changes requiring approval. In this context the term critical changes means those changes that affect the capability of the device to comply with the technical standards of the rules. Any questions as to whether changes require approval or not should be referred to the Laboratory Division for determination.

(b) A grantee desiring to make a change shall file an application on FCC Form 731 accompanied by the appropriate fees.

The grantee shall attach a description of the change(s) and shall indicate whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change(s) is authorized.

(c) If the Commission authorizes the change(s) requested, it may require the assignment of a new type or model number.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 41 FR 19948, May 14, 1976]

§ 2.969 Information required on identification label for type approved equipment.

(a) Each equipment for which a type approval application is filed on or after May 1, 1981, shall bear an identification plate or label pursuant to § 2.925 and § 2.926. The FCC Identifier for such equipment will be validated by the grant of type approval issued by the Commission.

NOTE: FCC Type Approval Numbers will not be issued for any equipment covered by type approval applications filed on or after the date specified above.

(b) Each equipment for which a type approval application is filed before May 1, 1981, shall have the following information on the identification plate or label.

(1) Name of the grantee of type approval.

(2) The words "TYPE NO." "or MODEL NO."followed by the model number or type number assigned to the equipment by the grantee.

(3) The words "FCC TYPE APPROVAL NO." followed by the type approval number assigned by the FCC if a type approval number has been assigned.

(4) Any other statement or labelling requirements imposed by the rules governing the operation of this equipment.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat. 290; (47 U.S.C. 154, 302, 303, 307))

[44 FR 17179, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

TYPE ACCEPTANCE

§ 2.981 Cross reference.

(a) The general provisions of this subpart, §§ 2.901 et seq., shall apply to applications for and grants of type acceptance.

§ 2.983 Application for type acceptance.

An application for type acceptance shall be filed on FCC Form 731 by the party whose name will be placed on the equipment and shall include the following information either in answer to the questions on the form or as attachments thereto.

(a) Name of applicant indicating whether the applicant is the manufacturer of the equipment, a vendor other than the manufacturer (include the name of manufacturer), a licensee or a prospective licensee.

(b) Identification of equipment for which type acceptance is sought.

(c) Information whether quantity (more than one) production is planned.

(d) Technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the technical standards of the applicable rule part(s). The description shall include the following items:

(1) Type or types of emission.

(2) Frequency range.

(3) Range of operating power values or specific operating power levels, and description of any means provided for variation of operating power.

(4) Maximum power rating as defined in the applicable part(s) of the rules.

(5) The dc voltages applied to and dc currents into the several elements of the final radio frequency amplifying device for normal operation over the power range.

(6) Function of each electron tube or semiconductor or other active circuit device.

(7) Complete circuit diagrams.

(8) Instruction book(s). If the instruction book is not available when the application is filed, a set of draft instructions should be provided and the complete instruction book should be submitted as soon as available. The Commission may specify a date when the complete instruction book should be submitted to conform this requirement with the regulations of the service under which type acceptance is requested.

(9) Tune-up procedure over the power range, or at specific operating power levels.

(10) A description of all circuitry and devices provided for determining and stabilizing frequency.

(11) A description of any circuits or devices employed for suppression of spurious radiation, for limiting modulation, and for limiting power.

(12) For equipment employing digital modulation techniques, a detailed description of the modulation system to be used, including the response characteristics (frequency, phase and amplitude) of any filters provided, and a description of the modulating wavetrain, shall be submitted for the maximum rated conditions under which the equipment will be operated.

(e) The data required by §§ 2.985 through 2.997, inclusive, measured in accordance with the procedures set out in § 2.999.

(f) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

(g) Photographs (8"×10") of the equipment of sufficient clarity to reveal equipment construction and layout, including meters, if any, and labels for controls and meters and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the type acceptance request, additional photographs are necessary only to complete the required showing.

(h) An encoder device used for the generation of the EBS Attention Signal as defined in § 73.906 need not comply with paragraphs (d)(1) through (d)(5) inclusive, (d)(9) through (d)(12) inclusive and paragraph (e) of this section. In lieu of these requirements measurements must be submitted showing compliance with § 73.940.

(i) The application for type acceptance of an external radio frequency power amplifier under Part 97 of this chapter need not be accompanied by the data required by Paragraph (e) of this section. In lieu thereof, measurements shall be submitted to show compliance with the technical specifications in Subpart C of Part 97 of this chapter and such information as required by § 2.1005 of this part.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 39 FR 35664, Oct. 3, 1974; 40 FR 34117, Aug. 14, 1975; 41 FR 19948, May 14, 1976; 43 FR 12687, Mar. 27, 1978]

§ 2.985 Measurements required: RF power output.

(a) For transmitters other than single sideband, independent sideband and controlled carrier radiotelephone, power output shall be measured at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in § 2.983(d)(5). The electrical characteristics of the radio frequency load attached to the output terminals when this test is made shall be stated.

(b) For single sideband, independent sideband, and single channel, controlled carrier radiotelephone transmitters the procedure specified in paragraph (a) of this section shall be employed and, in addition, the transmitter shall be modulated during the test as follows. In all tests, the input level of the modulating signal shall be such as to develop rated peak envelope power or carrier power, as appropriate, for the transmitter.

(1) Single sideband transmitters in the A3A or A3J emission modes—by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously, the input levels of the tones so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(2) Single sideband transmitters in the A3H emission mode—by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(3) As an alternative to paragraphs (b)(1) and (2) of this section other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the —25 dB step of the emission bandwidth limitation curve, the seventh and ninth order intermodulation product must fall within the 35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the —35 dB step of the referenced curve.

(4) Independent sideband transmitters having two channels by 1700 Hz tones applied simultaneously in both channels, the input levels of the tones so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(5) Independent sideband transmitters having more than two channels by an appropriate signal or signals applied to all channels simultaneously. The input signal or signals shall simu-

late the input signals specified by the manufacturer for normal operation.

(6) Single-channel controlled-carrier transmitters in the A3 emission mode—by a 2500 Hz tone.

(c) For measurements conducted pursuant to paragraphs (a) and (b) of this section, all calculations and methods used by the applicant for determining carrier power or peak envelope power, as appropriate, on the basis of measured power in the radio frequency load attached to the transmitter output terminals shall be shown. Under the test conditions specified, no components of the emission spectrum shall exceed the limits specified in the applicable rule parts as necessary for meeting occupied bandwidth or emission limitations.

§ 2.987 Measurements required: Modulation characteristics.

(a) Voice modulated communication equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a range of 100 to 5000 Hz shall be submitted. For equipment required to have an audio low-pass filter, a curve showing the frequency response of the filter, or of all circuitry installed between the modulation limiter and the modulated stage shall be submitted.

(b) Equipment which employs modulation limiting: A curve or family of curves showing the percentage of modulation versus the modulation input voltage shall be supplied. The information submitted shall be sufficient to show modulation limiting capability throughout the range of modulating frequencies and input modulating signal levels employed.

(c) Single sideband and independent sideband radiotelephone transmitters which employ a device or circuit to limit peak envelope power: A curve showing the peak envelope power output versus the modulation input voltage shall be supplied. The modulating signals shall be the same in frequency as specified in paragraph (c) of § 2.989 for the occupied bandwidth tests.

(d) Other types of equipment: A curve or equivalent data which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.

§ 2.989 Measurements required: Occupied bandwidth.

The occupied bandwidth, that is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission shall be measured under the following conditions as applicable:

(a) Radiotelegraph transmitters for manual operation when keyed at 16 dots per second.

(b) Other keyed transmitters—when keyed at the maximum machine speed.

(c) Radiotelephone transmitters equipped with a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal shall be 10 dB greater than that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 Hz tone at an input level 16 dB greater than that necessary to produce 50 percent modulation. The input level shall be established at the frequency of maximum response of the audio modulating circuit.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in

magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to paragraphs (c) (2) and (3) of this section, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(d) Radiotelephone transmitters without a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal should be that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 Hz tone of sufficient level to produce at least 85 percent modulation. If 85 percent modulation is unattainable, the highest percentage modulation shall be used.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to paragraphs (d) (2) and (3) of this section, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(e) Transmitters for use in the Radio Broadcast Services:

(1) Standard broadcast transmitters—when modulated 85 percent by a 7500 Hz input signal.

(2) FM broadcast transmitter not used for multiplex operation—when modulated 85 percent by a 15 kHz input signal.

(3) FM broadcast transmitters for multiplex operation under Subsidiary Communication Authorization (SCA)—when carrier is modulated 70 percent by a 15 kHz main channel input signal, and modulated an additional 15 percent simultaneously by a 67 kHz subcarrier (unmodulated).

(4) FM broadcast transmitter for stereophonic operation—when modulated by a 15 kHz input signal to the main channel, a 15 kHz input signal to the stereophonic subchannel, and the pilot subcarrier simultaneously. The input signals to the main channel and stereophonic subchannel each shall produce 38 percent modulation of the carrier. The pilot subcarrier should pro-

duce 9 percent modulation of the carrier.

(5) Television broadcast aural transmitters—when modulated 85 percent by a 15 kHz input signal.

(f) Transmitters for which peak frequency deviation (D) is determined in accordance with § 2.202(f), and in which the modulating baseband comprises more than 3 independent speech channels—when modulated by a test signal determined in accordance with the following:

(1) A modulation reference level is established for the characteristic baseband frequency. (Modulation reference level is defined as the average power level of a sinusoidal test signal delivered to the modulator input which provides the specified value of per-channel deviation.)

(2) Modulation reference level being established, the total rms deviation of the transmitter is measured when a test signal consisting of a band of random noise, extending from below 20 kHz to the highest frequency in the baseband, is applied to the modulator input through any preemphasis networks used in normal service. The average power level of the test signal shall exceed the modulation reference level by the number of decibels determined using the appropriate formula in the following table:

Number of telephone channels that modulate the transmitter	*Number of dB by which the average power level of the test signal shall exceed the modulation reference level*
More than 3 and less than 12	To be specified by the equipment manufacturer subject to FCC approval.
At least 12 and less than 60	$2.6 + 2 \log_{10} N_c$.
At least 60 and less than 240	$-1 + 4 \log_{10} N_c$.
240 or more	$-15 + 10 \log_{10} N_c$.

Where N_c is the number of baseband telephone channels in radio systems employing multi-channel multiplex telephony. See § 2.202(e) in this Chapter.

(g) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the tests should provide the manufacturer's maximum rated condition.

(h) Transmitters employing digital modulation techniques—when modulated by an input signal such that its amplitude and symbol rate represent the maximum rated conditions under which the equipment will be operated. The signal shall be applied through any filter networks, pseudo-random generators or other devices required in normal service. Additionally, the occupied bandwidth shall be shown for operation with any devices used for modifying the spectrum when such devices are optional at the discretion of the user.

(i) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal should be supplied.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 35664, Oct. 3, 1974]

§ 2.991 Measurements required: Spurious emissions at antenna terminals.

The radio frequency voltage or powers generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when properly loaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is operated under the conditions specified in § 2.989 as appropriate. The magnitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be specified.

§ 2.993 Measurements required: Field strength of spurious radiation.

(a) Measurements shall be made to detect spurious emissions that may be radiated directly from the cabinet, control circuits, power leads, or intermediate circuit elements under normal conditions of installation and operation. Curves or equivalent data shall be supplied showing the magnitude of each harmonic and other spurious emission. For this test, single sideband, independent sideband, and controlled carrier transmitters shall be modulated under the conditions specified in paragraph (c) of § 2.989, as appropriate. For equipment operating on frequencies below 890 MHz, an open field test is normally required, with the measuring instrument antenna located in the far-field at all test frequencies. In the event it is either impractical or impossible to make open field measurements (e.g. a broadcast transmitter installed in a building) measurements will be accepted of the equipment as installed. Such measurements must be accompanied by a description of the site where the measurements were made showing the location of any possible source of reflections which might distort the field strength measurements. Information submitted shall include the relative radiated power of each spurious emission with reference to the rated power output of the transmitter, assuming all emissions are radiated from half-wave dipole antennas.

(b) The measurements specified in paragraph (a) of this section shall be made for the following equipment:

(1) Those in which the spurious emissions are required to be 60 dB or more below the mean power of the transmitter.

(2) All equipment operating on frequencies higher than 25 MHz.

(3) All equipment where the antenna is an integral part of, and attached directly to the transmitter.

(4) Other types of equipment as required, when deemed necessary by the Commission.

§ 2.995 Measurements required: Frequency stability.

(a) The frequency stability shall be measured with variation of ambient temperature as follows:

(1) From −30° to +50° centigrade for all equipment except that specified in paragraphs (a)(2) and (3) of this section.

(2) From −20° to +50° centigrade for equipment to be licensed for use in the Maritime Services under Parts 81 and 83 of this chapter and equipment to be licensed for use above 952 MHz at operational fixed stations in all services, stations in the Local Television Transmission Service and Point-to-Point Microwave Radio Service under Part 21, and equipment licensed for use aboard aircraft in the Aviation Services under Part 87 of this chapter.

(3) From 0° to +50° centigrade for equipment to be licensed for use in the Radio Broadcast Services under Part 73 of this chapter.

(b) Frequency measurements shall be made at the extremes of the specified temperature range and at intervals of not more than 10° centigrade through the range. A period of time sufficient to stabilize all of the components of the oscillator circuit at each temperature level shall be allowed prior to frequency measurement. The short term transient effects on the frequency of the transmitter due to keying (except for broadcast transmitters) and any heating element cycling normally occurring at each ambient temperature level also shall be shown. Only the portion or portions of the transmitter containing the frequency determining and stabilizing circuitry need be subjected to the temperature variation test.

(c) In addition to all other requirements of this section, the following information is required for equipment incorporating heater type crystal oscillators to be used in mobile stations, for which type acceptance is first requested after March 25, 1974, except for battery powered, hand carried, portable equipment having less than 3 watts mean output power.

(1) Measurement data showing variation in transmitter output frequency from a cold start and the elapsed time

necessary for the frequency to stabilize within the applicable tolerance. Tests shall be made after temperature stabilization at each of the ambient temperature levels; the lower temperature limit, 0° centigrade and +30° centigrade with no primary power applied.

(2) Beginning at each temperature level specified in paragraph (c)(1) of this section, the frequency shall be measured within one minute after application of primary power to the transmitter and at intervals of no more than one minute thereafter until ten minutes have elapsed or until sufficient measurements are obtained to indicate clearly that the frequency has stabilized within the applicable tolerance, whichever time period is greater. During each test, the ambient temperature shall not be allowed to rise more than 10° centigrade above the respective beginning ambient temperature level.

(3) The elapsed time necessary for the frequency to stabilize within the applicable tolerance from each beginning ambient temperature level as determined from the tests specified in this paragraph shall be specified in the instruction book for the transmitter furnished to the user.

(4) When it is impracticable to subject the complete transmitter to this test because of its physical dimensions or power rating, only its frequency determining and stabilizing portions need be tested.

(d) The frequency stability shall be measured with variation of primary supply voltage as follows:

(1) Vary primary supply voltage from 85 to 115 percent of the nominal value for other than hand carried battery equipment.

(2) For hand carried, battery powered equipment, reduce primary supply voltage to the battery operating end point which shall be specified by the manufacturer.

(3) The supply voltage shall be measured at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided. Effects on frequency of transmitter keying (except for broadcast transmitters) and any heating element cycling at the nominal supply voltage and at each extreme also shall be shown.

(e) When deemed necessary, the Commission may require tests of frequency stability under conditions in addition to those specifically set out in paragraphs (a), (b), (c), and (d) of this section. (For example measurements showing the effect of proximity to large metal objects, or of various types of antennas, may be required for portable equipment).

§ 2.997 Frequency spectrum to be investigated.

In all of the measurements set forth in §§ 2.991 and 2.993 of this part, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the 10th harmonic of the carrier frequency or to the highest frequency practicable in the present state of the art of measuring techniques, whichever is lower. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multipler stages should also be checked. The amplitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be reported.

§ 2.999 Measurement procedure.

The measurement procedures employed shall be in accordance with the requirements set forth in § 2.947. In addition, any specific test requirements set forth in the particular rules governing the equipment for which type acceptance is requested shall apply.

[42 FR 44987, Sept. 8, 1977]

§ 2.1001 Changes in types accepted equipment.

(a) Equipment of the same type is defined for purposes of type acceptance as being equipment which is electrically and mechanically interchangeable and in addition will have the same basic tube or semiconductor line up, frequency multiplication, basic frequency determining and stabilizing circuitry, basic modulator circuit and maximum power rating. Variations in electrical and mechanical construction, other than the items indicated above are permitted provided the variation or change is made in compliance with the requirements of paragraphs (b), (c), and (d) of this section.

(b) Two classes of permissive changes may be made in type accepted equipment without requiring a new application for and grant of type acceptance.

(1) A Class I permissive change includes those modifications in the equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when type acceptance is granted, and which do not change the type of equipment as defined in paragraph (a) of this section. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which bring the performance of the equipment outside the manufacturer's rated limits as originally filed but not below the minimum requirements of the applicable rules, and do not change the type of equipment as defined in paragraph (a) of this section. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of type acceptance prior to acknowledgement by the Commission that the change is acceptable.

(3) When a Class II permissive change is made by other than the grantee of type acceptance, the information and data specified in paragraph (b)(2) of this section shall be supplied by the person making the change. The modified equipment shall not be operated under an authorization of the Commission prior to acknowledgement by the Commission that the change is acceptable.

(c) A grantee desiring to make a change other than a permissive change as described in paragraph (b) of this section shall file an application on FCC Form 731 accompanied by the required fees. The grantee shall attach a description of the change(s) to be made and a statement indicating whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change(s) is authorized.

(d) If the Commission authorizes the change requested, it may require the assignment of a new type number.

(e) Users shall not modify their own equipment except as provided by Paragraphs (b) and (f) of this section.

(f) Equipment type accepted for use in the Amateur Radio Service pursuant to the requirements of Part 97 of this chapter may be modified without regard to the conditions specified in Paragraph (b) of this section, provided the following conditions are met:

(1) Any person performing such modifications on equipment used under Part 97 of this chapter must possess a valid amateur radio operator license of the class required for the use of the equipment being modified.

(2) Modifications made pursuant to this paragraph are limited to equipment used at licensed amateur radio stations.

(3) Modifications specified or performed by equipment manufacturers or suppliers must be in accordance with the requirements set forth in Paragraph (b) of this section.

(4) Modifications specified or performed by licensees in the Amateur Radio Service on equipment other than that at specific licensed amateur radio stations must be in accordance with the requirements set forth in Paragraph (b) of this section.

(5) The station licensee shall be responsible for insuring that modified equipment used at his station will comply with the applicable technical standards in Part 97 of this chapter.

(Sec. 302, 82 Stat. 290; 47 U.S.C. 302; Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27803, Aug. 1, 1974; 41 FR 19948, May 14, 1976; 43 FR 12687, Mar. 27, 1978; 46 FR 18981, Mar. 27, 1981]

§ 2.1003 Information required on identification label for type accepted equipment.

(a) Each equipment for which a type acceptance application is filed on or after May 1, 1981, shall bear an identification plate or label pursuant to §§ 2.925 and 2.926. The FCC Identifier for such equipment will be validated by the grant of type acceptance issued by the Commission.

(b) For each equipment covered by a type acceptance application filed before May 1, 1981, the identification plate or label shall contain the following:

(1) Name of the grantee of the type acceptance.

(2) The words "FCC TRANSMITTER DATA" followed by the number assigned to the equipment by the grantee. The abbreviations "XMTR" or "TX" may be used in place of the word "TRANSMITTER."

NOTE: If the equipment is a transceiver containing transmitting and receiving capablity and a single identifier is assigned, the words "FCC DATA," followed by the number assigned to the equipment by the grantee shall be used. If the transmitter part and the receiver part are assigned separate identifiers, the marking of paragraph (2) shall be used for the transmitter part and the marking of § 2.1045(b)(3) shall be used for the receiver part if the receiver part is subject to the requirement for certification.

(3) Any other statement or labelling requirement imposed by the rules governing the operation of this equipment, except that statements of compliance with equipment approval rules or technical standards may be permitted to appear in a clear and recognizable manner elsewhere on the equipment.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat. 290; (47 U.S.C. 154, 302, 303, 307))

[44 FR 17179, Mar. 21, 1979; 44 FR 21021, Apr. 9, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 2.1005 Equipment for use in the Amateur Radio Service.

(a) The general provisions of §§ 2.981, 2.983, 2.991, 2.993, 2.997, 2.999, 2.1001, and 2.1003 shall apply to application for and grants of type acceptance for equipment operated under the requirements of Part 97 of this chapter, the Amateur Radio Service.

(b) When performing the tests specified in §§ 2.991 and 2.993 of this part, the center of the transmitted bandwidth shall be within the operating frequency band by an amount equal to 50 percent of the bandwidth utilized for the tests. In addition, said tests shall be made on at least one frequency in each of the bands within which the equipment is capable of tuning.

(c) Any supplier of an external radio frequency power amplifier kit as defined by § 97.3(z) of this chapter shall comply with the following requirements:

(1) Assembly of one unit of a specific type shall be made in exact accordance with the instructions being supplied with the product being marketed. If all of the necessary components are not normally furnished with the kit, assembly shall be made using the recommended components.

(2) The measurement data required for type acceptance shall be obtained for this unit and submitted with the type acceptance application. Unless otherwise requested, it is not necessary to submit this unit with the application.

(3) A copy of the exact instructions which will be provided for assembly of the equipment shall be provided in addition to other material required by § 2.983 of this part.

(4) The identification label required by §§ 2.925 and 2.1003 of this part shall be permanently affixed to the assembled unit and shall be of sufficient size so as to be easily read. The following information shall be shown on the label:

(Name of Grantee of Type Acceptance)

FCC ID: (The number assigned to the equipment by the Grantor)

This amplifier can be expected to comply with part 97 of the FCC Regulations when assembled and aligned in strict accordance with the instruction manual using components supplied with the kit or an exact equivalent thereof.

____

(Title and signature of responsible representative of Grantee)

STATEMENT OF COMPLIANCE

I state that I have constructed this equipment in accordance with the instruction manual and using the parts furnished by the supplier of this kit.

____

(Signature) (Date)

____

(Amateur call sign) (Class of license)

____

(Expiration date of license)

(To be signed by the person responsible for proper assembly of kit.)

(5) If requested, an unassembled unit shall be provided for assembly and test by the Commission. Shipping charges to and from the Commission's Laboratory shall be borne by the applicant for type acceptance.

(d) Type acceptance of external radio frequency power amplifiers and amplifier kits may be denied when denial serves the public interest, convenience and necessity by preventing the use of these amplifiers in services other than the Amateur Radio Service. Other uses of these amplifiers, such as in the Citizens Band Radio Service, are prohibited (CB Rule 21 of this chapter). Examples of features which may result in the denial of type acceptance are contained in § 97.77 of this chapter.

(Sec. 302, 82 Stat. 290; 47 U.S.C. 302; secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[43 FR 12688, Mar. 27, 1978, as amended at 46 FR 18981, Mar. 27, 1981]

CERTIFICATION

§ 2.1031 Cross reference.

The general provisions of this subpart § 2.901 et seq. shall apply to applications for and grants of certification.

§ 2.1033 Application for certification under Part 15.

(a) An application for certification shall be filed on FCC Form 731 with all questions answered. Items that do not apply shall be so noted.

(b) The application shall be accompanied by the required fees, report of measurements, and such other attachments as specified in Part 15 for the particular equipment.

(c) The application shall be accompanied by a photograph showing the general appearance of the equipment and the operating controls available to the user. The photograph shall be 8" by 10" in size, or mounted on paper 8" by 10" to 8½ by 11 in size. If the identification label does not appear on this photograph or is too small to be read, a second photograph shall be attached showing the identification label in sufficient detail so that the name and number can be read. In lieu of the second photograph, a sample label, or a facsimile thereof, mounted on a full size sheet, and a sketch showing where this label will be placed on the equipment, may be submitted.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27803, Aug. 1, 1974; 41 FR 19948, May 14, 1976]

§ 2.1035 Abbreviated procedure for identical or private label equipment.

(a) Application for certification of a private label equipment or an equipment bearing a new model number which is essentially identical to a previously certificated equipment shall be filed on FCC Form 731. Items that do not apply shall be so noted.

(b) The application shall be accompanied by the required fees.

(c) In lieu of the report of measurements and other attachments required by § 2.1033(b), the application may be accompanied by a statement setting forth;

(1) The name and the model number of the previously certificated receiver.

(2) The date when certification was granted.

(3) A description of how the new equipment differs from the previously certificated equipment.

(4) A statement that the data previously filed is applicable to and representative of the new equipment.

(d) The application shall be accompanied by a photograph, 8″ × 10″ in size, showing the front of the equipment. If the identification plate does not appear on this photograph, or is too small to be read, a second photograph, 8″ × 10″ in size, shall be attached showing the identification plate in sufficient detail so that the name and number can be read. In lieu of the second photograph, a sample label, or a facsimile thereof, may be attached with a sketch showing where this label will be placed on the equipment.

[28 FR 12465, Nov. 22, 1963, as amended at 41 FR 19948, May 14, 1976]

§ 2.1037 Application for prototype certification of ISM equipment.

(a) An application for prototype certification of ISM equipment may be submitted only for equipment that will be produced in quantity and which can be tested on a suitable test site.

(b) The application shall be filed on FCC Form 731 with all items answered. Items that do not apply shall be so noted.

(c) The application shall be accompanied by the required fees, a report of measurements and such other attachments as are specified in Part 18 for the particular equipment.

(d) The application shall be accompanied by a statement that the model (or type) for which prototype certification is requested will be produced in quantity, that the equipment lends itself to testing on a test site, and that the results of such measurements can be expected to represent the performance of that model (or type) wherever installed.

[28 FR 12465, Nov. 22, 1963, as amended at 41 FR 19948, May 14, 1976]

§ 2.1039 On-site certification of ISM equipment.

(a) Part 18 provides for on-site certification of ISM equipment which is not built in quantity or which does not lend itself to measurement on a test site.

(b) On-site certification shall be performed on the equipment after it is installed for operation in accordance with the procedures set out in Part 18 for the particular equipment.

§ 2.1041 Measurement procedure.

The measurement procedures are specified in the rules governing the particular device for which certification is requested.

§ 2.1043 Changes in certificated equipment.

(a) Variations in the electrical and mechanical construction of equipment requiring an application for, and grant of, certification are permissible providing that the variations, either do not affect the characteristics required to be reported to the Commission, or provided the variations or changes are made in compliance with paragraphs (b), (c), or (d) of this section.

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in name or model number.

(1) A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which degrade the performance characteristics as reported to the Commission at the time of the initial certification. Such degraded performance must still meet the minimum requirements of the applicable rules. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and the results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of certification prior to acknowledgement by the Commission that the change is acceptable.

(c) A grantee desiring to make a change other than a permissive change described in paragraph (b) of this section shall file an application on FCC Form 731 accompanied by the required fees. The grantee shall attach a description of the change(s) to be made and a statement indicating whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change is authorized.

(d) A change which results in a new name and/or model number (with or without change in circuitry) requires a new application for, and grant of, certification. If the change affects the characteristics required to be reported, a complete application shall be filed. If the characteristics required to be reported are not changed the abbreviated procedure of § 2.1035 may be used.

[39 FR 27803, Aug. 1, 1974, as amended at 41 FR 19948, May 14, 1976]

§ 2.1045 Information required on identification label for certificated equipment.

(a) Each equipment for which a certification application is filed on or after May 1, 1981, shall be identified pursuant to §§ 2.925 and 2.926. The FCC Identifier for such equipment will be validated by the grant of certification issued by the Commission.

(b) For each equipment covered by a certification application filed before May 1, 1981, the identification label shall contain at least the following:

(1) The trade name. The trade name, if shown elsewhere on the equipment, shall be the same as that shown on the label.

(2) For consumer equipment (i.e., broadcast receivers, Part 15 walkie-talkies, and other equipment sold to the general public), the words "MODEL NO." followed by the number assigned to the equipment by the grantee. If the identification label contains other numbers in addition to that required by this paragraph, such as "SERVICE NO.," "CATALOG NO." or other similar terms, to avoid confusion with the identifier required by the Commission, the words "MODEL NO." may be preceded by the term "FCC DATA" to facilitate recognition of the identifying number used for FCC.

(3) For communications equipment (i.e., receivers and other equipment normally used at licensed stations) the words "FCC RECEIVER DATA" followed by the number assigned to the equipment by the grantee. The abbreviations "RCVR" or "RX" may be used in lieu of the word "RECEIVER."

NOTE: If the equipment is a transceiver having transmitting and receiving capability and a single identifier is assigned the marking of Section 2.1003(b)(2) shall be used. If the transmitter part and the receiver part are assigned separate identifiers, the marking of § 2.1003(b)(2) shall be used for the transmitter part and the marking of § 2.1003(b)(2) or (3) shall be used for the receiver part.

(4) Any other statement or labelling requirement imposed by the rules governing operation of this equipment, except that statements of compliance with equipment approval rules or technical standards may appear in a clear and recognizable manner elsewhere on the equipment.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303, 307))

[44 FR 17180, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 26, 1980]

FILING FOR APPLICATION REFERENCE

§ 2.1061 Submission of technical information for application reference.

An application for station authorization in some services requires a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for the submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit all information required by the application form and the rules for the services in which the equipment is to be used. An application for a station authorization submitted subsequent to such filing may refer to the technical information so filed.

§ 2.1063 Disclaimer re technical information filed for application reference.

Receipt by the Commission of data for application purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.1065 Identification and changes in equipment information filed for application reference.

(a) Each type of equipment, for which information is filed for application reference purposes, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces in any assigned type number shall not exceed 17. The type number shall be shown on an identification plate or label affixed in a conspicuous place to such equipment.

(b) If the assignment of a different type number is required as a result of equipment modification, a new identification plate or label bearing the new type number shall be affixed to the modified equipment.

NOTE: It is recommended that such equipment be identified with a nameplate pursuant to § 2.925, except for deletion of the FCC Identifier, which will not be assigned to nor listed for such equipment.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303))

[39 FR 28160, Aug. 5, 1974, as amended at 44 FR 17180, Mar. 21, 1979]

Subpart K—Importation of Devices Capable of Causing Harmful Interference

AUTHORITY: Secs. 4(i), 302, 303(r), Communications Act of 1934, as amended.

SOURCE: 41 FR 25904, June 23, 1976, unless otherwise noted.

§ 2.1201 Purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards, the rules governing the service may require that such equipment receive an equipment authorization from the Commission as a prerequisite for marketing and importing this equipment into the U.S.A. The marketing rules, § 2.801 et seq., were adopted pursuant to the authority in section 302 of the Communications Act of 1934, as amended, (47 U.S.C. 302).

(b) The rules in this subpart set out the conditions under which radio frequency devices and subassemblies of radio frequency devices capable of causing harmful interference to radio communications, as defined in § 2.801 may be imported into the U.S.A.

NOTE: The term subassembly as used in this subpart shall mean chassis or other essentially completed device which requires the addition of cabinets, knobs, speakers or other similar minor attachments to complete the device for marketing. Subassembly shall not encompass individual components, such as coils, condensers, IF strips, tubes, etc. which are used as replacements or which require considerable fabrication before a device subject to FCC marketing rules is produced.

§ 2.1202 General requirement for entry into the U.S.A.

(a) A radio frequency device or radio frequency subassembly shall be refused entry or withdrawal for consumption into the Customs territory of the United States unless accompanied by an original plus one copy of FCC Form 740 certifying that the entry meets one of the conditions for entry set out in this subpart.

(b) A separate Form 740 shall be used for each separately identified device or subassembly regardless of quantity involved.

§ 2.1203 Entry and release when equipment authorization is required.

A radio frequency device requiring an equipment authorization as a prerequisite for importation into the Customs territory of the U.S.A. shall be refused entry or withdrawal for consumption unless the entry papers for such shipment is accompanied by an original plus one copy of FCC Form 740 certifying that the appropriate equipment authorization has been issued by the FCC.

NOTE: The importer/consignee of the device may be required to produce a copy of the equipment authorization form.

§ 2.1205 Entry and release when equipment authorization is not required.

(a) A radio frequency device for which the Commission has established technical specifications, but for which an equipment authorization is not required, shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless the entry papers for such shipment are accompanied, by an original plus one copy of FCC Form 740 certifying that the device does not require an FCC equipment authorization, and that the device complies with the applicable FCC technical specifications.

(b) A subassembly (See § 2.1201(b)) which is designed to be included in a device ultimately subject to FCC regulations shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless accompanied by an original plus one copy of FCC Form 740 certifying that the necessary steps required to insure compliance with applicable FCC rules, including obtaining an equipment authorization, if required, shall be taken before the completed device is marketed.

§ 2.1207 Entry for test and evaluation.

A radio frequency device imported for the purpose of evaluation at industry trade shows under the restrictions of § 2.803 or to determine compliance with pertinent technical requirements may be released in limited quantities under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by the original plus one copy of FCC Form 740 certifying that the device is imported for technical evaluation only and will not be offered for sale or otherwise marketed within the U.S.A.

§ 2.1209 Entry for export.

A radio frequency device imported solely for export may be released under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by the original plus one copy of FCC Form 740 certifying that the device is imported for the purpose of export and will not be offered for sale or otherwise marketed for use within the U.S.A.

§ 2.1211 Entry for Federal government use.

A radio frequency device or subassembly imported for use exclusively by the U.S. Government, or agency thereof, shall be accompanied by an original plus one copy of FCC Form 740 certifying this to be the case.

§ 2.1213 Entry for personal use.

An individual entering the U.S.A. with not more than three receivers for his own use may, in lieu of certifying compliance, declare that the receivers are for personal use and are not intended for sale. The U.S. Customs Service may waive the requirement of § 2.1202 for such entry.

§ 2.1215 Entry for repair or further fabrication.

A radio frequency device or a subassembly thereof, imported for repair or further fabrication and which is then exported may be released under bond in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by the original plus one copy of FCC Form 740 certifying this to be the case.

§ 2.1219 Non-complying equipment.

A radio frequency device, or subassembly thereof, which either does not comply with the applicable provisions of this chapter or the importer/consignee lacks sufficient information to certify compliance, shall be refused entry or withdrawal for consumption into the Customs territory of the U.S.A.

NOTE: The U.S. Customs Service has indicated that it will follow the procedure delineated below for such non-complying equipment.

(a) If any radio frequency device or subassembly thereof is denied entry under the provisions of §§ 2.1202, 2.1203 or 2.1205, the District Director will refuse to release the shipment for entry into the United States, will detain such equipment at the importers risk and expense, and shall issue a notice of such refusal to the importer or consignee.

(b) Alternatively, the importer or consignee may complete (2) copies of FCC Form 740 and furnish a bond in accordance with U.S. Customs Service regulations to allow time for him to accomplish whatever is necessary to bring the device into compliance. Such entry shall be detained by the importer or consignee and must not be used or otherwise disposed of until (2) copies of FCC Form 740, certifying that the equipment complies with applicable FCC rules, have been presented to and accepted by the District Director of Customs.

(c) If the importer or consignee fails to demonstrate that the equipment entering under paragraph (b) of this section, has been brought into compliance within 90 days after entry, or within such additional time as may be allowed for good cause shown, he will at his risk and expense immediately deliver to the District Director of Customs the conditionally released equipment.

(d) In the event the equipment is not redelivered, the importer may be subject to criminal prosecution pursuant to sections 302, 501, and 502 of the Communications Act of 1934, as amended, (47 U.S.C. 302, 501, 502) in addition to penalties assessed in accordance with U.S. Custom Service regulations.

(e) Equipment which is refused entry under this section or which is redelivered in accordance with the above described procedure and which is not exported under customs supervisions within 90 days from date of notice of refusal of admission or date of redelivery will be disposed of under customs laws and regulations; provided, that such disposition will not result in an introduction into the U.S.A. which is in violation of the regulations in this chapter.

Subpart L—Registration of Telephone Terminal Equipment

REGISTRATION PROCEDURE

§ 2.1300 Cross reference.

The general provisions of this part, §§ 2.909, 2.923, 2.927, 2.929, 2.934, 2.935, and 2.936 shall apply to applications for and grants of registration for telephone terminal equipment pursuant to Part 68 of this chapter.

(Secs. 201-205, 208, 215, 218, 313, 314, 403, 410, 602, 48 Stat., as amended 1070-1072, 1073, 1076, 1077, 1087, 1094, 1099, 1102 47; U.S.C. 201-205, 208, 215, 218, 313, 314, 403, 410, 602)

[41 FR 8048, Feb. 24, 1976]

§ 2.1302 Application for registration under Part 68.

An original application for registration and two copies shall be filed on FCC Form 730 by the party who will be responsible for the conformance of the equipment with the standards specified in Part 68 of this chapter and shall include the information specified by the form and in § 68.200 of this chapter.

(Secs. 201-205, 208, 215, 218, 313, 314, 403, 410, 602, 48 Stat., as amended 1070-1072, 1073, 1076, 1077, 1087, 1094, 1099, 1102; 47 U.S.C. 201-205, 208, 215, 218, 313, 314, 403, 410, 602)

[41 FR 8048, Feb. 24, 1976]

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

SOURCE: 28 FR 12506, Nov. 22, 1963, unless otherwise noted.

Subpart A—General

§ 5.1 Basis and purpose.

(a) The rules following in this part are promulgated pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of this part is to prescribe the manner in which parts of the radio frequency spectrum may be made available for experimentation as defined in this part and provided for.

§ 5.2 Services available.

(a) Experimental services are classified, according to the type of experimentations permitted, into two categories as follows:

(1) Experimental Service (Research)—Subpart E.

(2) Experimental Service (Developmental)—Subpart F.

§ 5.3 Definition of terms.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter (Frequency Allocations and Radio Treaty Matters; General Rules and Regulations).

(a) *Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

(b) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

(c) *Experimental Service.* A service in which Hertzian waves are employed for purposes of experimentation in the radio art or for purposes of providing essential communications for research projects which could not be conducted without the benefit of such communications.

(d) *Experimental Service (Research).* An Experimental Service (1) for research in the radio art not related to the development of an established or proposed new service, or (2) for providing essential communications for research projects which could not be conducted without the benefit of such communications.

(e) *Experimental Service (Developmental).* An Experimental Radio Service for the development of equipment, engineering or operational data, or techniques for an existing or proposed radio service.

(f) *Fixed service.* A service of radiocommunication between specified fixed points.

(g) *Fixed station.* A station in the fixed service.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and other provisions of Part 2 of this chapter.

(i) *Landing area.* As defined by Title I, section I (22) of the Civil Aeronautics Act of 1938, as amended, landing area means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(j) *Land station.* A station in the mobile service not intended for operation while in motion.

(k) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(l) *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(m) *Mean power of radio transmitter.* The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation.

(n) *Peak power of a radio transmitter.* The mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

(o) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(p) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(q) *Radio service.* An administrative subdivision of the field of radio-communication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

(r) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

§ 5.4 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

[40 FR 5366, Feb. 5, 1975]

§ 5.5 Transfer and assignment of station authorization.

A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority to transfer or assign a station authorization shall be submitted on the forms prescribed by § 5.55.

Subpart B—Applications and Licenses

§ 5.51 Station authorization required.

(a) No radio transmitter shall be operated in the Experimental Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

(b) Persons desiring to install and operate radio transmitting equipment under this part should first submit an application for a radio station authorization in accordance with § 5.55.

[41 FR 45007, Oct. 14, 1976]

§ 5.53 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Experimental Services are discussed in § 5.55 and may be obtained from the Washington, D.C., Office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 5.55 (k) should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington, D.C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and this part.

(e) Applications involving operation at temporary locations:

(1) When a land station or a fixed station is to remain at a single location for less than six months, the location is considered to be temporary and the procedure outlined in § 5.65 shall apply.

(2) When a land station or fixed station authorized to operate at temporary locations remains at a single location for more than six months, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the six-month period.

(f) Unless otherwise specified in a particular case, only the original signed copy of the application shall be filed. Applications with facsimile signatures will not be accepted.

[28 FR 12506, Nov. 22, 1963, as amended at 40 FR 60033, Dec. 31, 1975]

§ 5.54 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 5.55 Forms to be used.

(a) *Application for combined construction permit and radio station license for land stations and fixed stations.* A separate application shall be submitted on FCC Form 442 for each base station and each fixed station. Whenever the proposed antenna exceeds 6 meters in height above the ground level or more than 6 meters in height above an existing building, the applicant must comply with the requirement of Part 17 of this chapter.

(b) *Application for combined construction permit and radio station license for mobile stations.* An application for each mobile station comprising any specified number of mobile units to be operated in the same service and within the same geographical area, including handcarried or packcarried units, may be combined into one application and shall be submitted on FCC Form 442.

NOTE: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

(c) *Application for modification of combined construction permit and station license.* An application for modification of station authorization shall be submitted on FCC Form 442. A blanket application for modification of a group of authorizations of the same class where the modifications requested are the same for all stations covered by the application. The individual stations covered by such application shall be clearly indentified therein. However, application for modification to change location of a base or fixed station shall be filed as a separate application.

(d) *Application for renewal of station authorization.* (1) Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the existing authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(2) If the station license sought to be renewed is used for the purpose of fulfilling the requirements of a contract with an agency of the U.S. Government, the application for renewal shall be accompanied by Form 440A in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

(e) *Application for consent to assignment of radio station authorization.* Application on FCC Form 702 shall be submitted when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a station authorization or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Such application must be accompanied by the FCC Form 442 of which only the certification need be signed by the proposed assignee. No other information is required to be submitted on this form.

(f) *Application for consent to transfer of control of Corporation holding radio station authorization.* Application for consent to transfer of control shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporation holding a station authorization.

(g) *Informal application.* (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted normally in letter form, and with the original signed in accordance with § 5.54. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) An informal application for authority to operate transmitting equipment will be accepted only under the conditions set forth in § 5.56.

[41 FR 45007, Oct. 14, 1976]

§ 5.56 Procedure for obtaining a special temporary authorization.

(a) The Commission may issue a special temporary authorization under this part in cases where a need is shown for operation of an authorized station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the Commission's rules.

(b) An application for special temporary authorization may be filed as an informal application in the manner prescribed by § 5.55(k) and shall contain the following information:

(1) Name and address.

(2) Need for special action.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of proposed operation.

(6) Class of station, call sign of station, and nature of service.

(7) Location of proposed operation.

(8) Equipment to be used, including name of manufacturer, model and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Overall height of antenna structure above ground.

(c) No request for special temporary authorization will be considered unless full particulars as to the purpose for which the request is made are stated.

[28 FR 12506, Nov. 22, 1963, as amended at 34 FR 3802, Mar. 5, 1969]

§ 5.57 Supplementary statements required.

(a) Each applicant for an authorization in the Experimental Radio Service must enclose with the application a narrative statement describing in detail the program of research and experimentation proposed, the specific objectives sought to be accomplished; and how the program of experimentation has a reasonable promise of contribution to the development, extension, or expansion, or utilization of the radio art, or is along lines not already investigated. An applicant may request non-disclosure of proprietary information submitted under this part. These requests should follow the procedures for submission set forth in § 0.459 of this chapter.

(b) *Applications involving government contracts.* The requirements of paragraph (a) of this section shall not be applicable to applicants for an authorization in the Experimental Service (Research) to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government. In lieu thereof, such applicants shall include as a part of the application, FCC Form 440A in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

(c) *Applications involving development of equipment for export purposes.* Each application for an authorization for the purpose of developing equipment for exportation to be employed by stations under the jurisdiction of a foreign government shall include in addition to the information required by paragraph (a) of this section the following information:

(1) The contract number and the name of the foreign government concerned.

(2) The daily hours of operation and the estimated date of the beginning and end of the specific time period for which the authorization is required.

(d) *Applications involving communications essential to a research project.* The provisions of paragraph (a) of this section shall not be applicable to applications for an authorization in the Experimental Service (Research) to be used for communications essential to a research project. Applicants in this service shall include as a part of the application for an authorization the following:

(1) A description of the nature of the research project being conducted.

(2) A showing that communication facilities are necessary for the research project involved.

(3) A showing that existing communication facilities are inadequate.

[41 FR 45008, Oct. 14, 1976]

§ 5.58 Partial grants.

Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 5.59 Defective applications.

(a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 5.60 Amendment or dismissal of applications.

(a) Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated. and submitted in the same manner and with the same number of copies as required for the original application. All subsequent correspondence or other material which the applicant desires to have incorporated as a part of an application already filed shall be submitted in the form of an amendment to the application.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

§ 5.62 Licenses required for separate experimental projects.

A separate station license will be required for each class of station in the experimental radio services. Application for a class of station embracing widely divergent and unrelated experimentations normally will require a separate license for each phase of the experimental program: *Provided, however,* That the Commission may, when circumstances warrant, issue a single license embracing the entire project.

§ 5.63 License period.

(a) The basic license period for stations in the Experimental Radio Services is 2 years.

(b) A license will not be granted for a period longer than that which is required for completion of the experimental project. If such period is estimated to be less than 2 years, a statement to that effect by the applicant may facilitate a grant of the application. See also § 5.58.

(c) The expiration dates for licenses in the Experimental Radio Services will be distributed over the 12 calendar months, in accordance with the alphabetical distribution of the names of licensees. Hence, an initial license may be granted for a basic period of 1½ to 2½ years, depending on the date of grant and the alphabetical position of the name of the licensee.

[32 FR 1129, Feb. 1, 1967]

§ 5.64 Change in equipment.

(a) A change may be made in a licensed transmitter without specific authorization from the Commission provided: (1) The change does not result in operation inconsistent with any term of the outstanding authorization for the station involved; and (2) a description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

(1) Any change which will either increase the height of a structure supporting the radiating portion of the antenna or decrease the height of a lighted antenna structure.

(2) Any change in the location of an antenna when such relocation involves a change in the geographic coordinates of latitude or longitude by as much as one second, or when such relocation involves a change in street address.

§ 5.65 Operation at a temporary location.

(a) An application for authority to operate at temporary locations shall specify the general geographical area within which the operation will be confined.

(b) When a station is authorized to operate at temporary locations, the following notification procedure shall be followed:

(1) When the station is placed in operation for the first time, the Engineer in Charge of the Radio District(s) involved shall be notified.

(2) When the station is moved from one location to another, the Engineer in Charge of the Radio District(s) involved shall be notified.

§ 5.66 Discontinuance of station operation.

In case of a permanent discontinuance of operation of a fixed or land station in the experimental services, or in case of permanent discontinuance of operation of all transmitter units listed in the license for a mobile station in the experimental services, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the radio district in which the station is located.

§ 5.67 Policy governing the assignment of frequencies.

(a) Each frequency or band of frequencies, available for assignment to stations in the experimental services is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant, and such use may also be restricted to one or more specified geographical areas. Normally not more than one frequency in a band of frequencies will be assigned for the use of a single applicant unless a showing is made demonstrating that need for the assignment of additional frequencies is essential to the proposed program of experimentation.

(b) Frequency assignments will be made only on the condition that harmful interference will not be caused to any station operating in accordance with the Table of Frequency Allocation of Part 2 of this chapter.

(c) The frequencies available for use in these services are set forth in §§ 5.203 and 5.253.

(d) Protection for Federal Communications Commission monitoring stations:

(1) Applicants in the vicinity of an FCC monitoring station for a radio station authorization to operate new transmitting facilities or changed transmitting facilities which would increase the field strength produced over the monitoring station over that previously authorized are advised to give consideration, prior to filing applications, to the possible need to protect the FCC stations from harmful interference. Geographical coordinates of the facilities which require protection are listed in § 0.121(c) of the Commission's Rules. Applications for stations (except mobile stations) which will produce on any frequency a direct wave fundamental field strength of *greater than 10 mV/m* in the authorized bandwidth of service (-65.8 dBW/m^2 power flux density assuming a free space characteristic impedance of 120 ohms) at the referenced coordinates, may be examined to determine extent of possible interference. Depending on the theoretical field strength value and existing root-sum-square or other ambient radio field signal levels at the indicated coordinates, a clause protecting the monitoring station may be added to the station authorization.

(2) In the event that calculated value of expected field exceeds 10 mV/m (-65.8 dBW/m^2) at the reference coordinates, or if there is any question whether field strength levels might exceed the threshold value, advance consultation with the FCC to discuss any protection necessary should be considered. Prospective applicants may communicate with: Chief, Field Operations Bureau, Federal Communications Commission, Washington, D.C. 20554, Telephone (202) 632-6980.

(3) Advance consultation is suggested particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figure indicated would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether an applicant should coordinate:

(i) All stations within 2.4 kilometers (1.5 statute miles);

(ii) Stations within 4.8 kilometers (3 statute miles) with 50 watts or more average effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Monitoring Stations.

(iii) Stations within 16 kilometers (10 statute miles) with 1 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(iv) Stations within 80 kilometers (50 statute miles) with 25 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(4) Advance coordination for stations operating above 1000 MHz is recommended only where the proposed station is in the vicinity of a monitoring station designated as a satellite monitoring facility in § 0.121(c) of the Commission's Rules and also meets

the criteria outlined in paragraphs (d)(2) and (3) of this section.

(5) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Federal Communications Commission or modification of any authorization which will cause harmful interference.

[28 FR 12506, Nov. 22, 1963, as amended at 44 FR 77176, Dec. 31, 1979]

§ 5.68 Cancellation provisions.

The applicant for a station in the experimental services accepts the license with the express understanding: (a) That the authority to use the frequency or frequencies assigned is granted upon an experimental basis only and does not confer any right to conduct an activity of a continuing nature; and (b) that said grant is subject to change or cancellation by the Commission at any time without hearing if in its discretion the need for such action arises.

§ 5.69 Notification to the National Radio Astronomy Observatory.

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south and 80°30′ W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

[42 FR 8329, Feb. 9, 1977]

Subpart C—Technical Standards

§ 5.101 Frequency stability.

(a) The frequencies assigned in accordance with the provisions of §§ 5.203 and 5.253 shall be maintained to within the tolerance set forth in the rules governing the service to which the frequencies are assigned in the Table of Frequency Allocations of Part 2 of this chapter unless otherwise designated in the station authorization.

(b) Less restrictive tolerances than those specified in paragraphs (a) and (b) of this section may be authorized for stations in the experimental services provided the applicant presents satisfactory evidence of the need for such tolerances and that the program of research can and will be conducted without causing harmful interference to any other radio service operating in accordance with the Table of Frequency Allocations set forth in Part 2 of this chapter.

§ 5.102 Types of emission.

(a) Stations in the Experimental Radio Services may be authorized to use any of the classifications of emissions covered in Part 2 of this chapter.

§ 5.103 Emission limitations.

(a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kilohertz to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (b) of this section is considered to be an unauthorized emission.

(b) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus 10 Log_{10}(mean output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

(c) When an unauthorized emission results in harmful interference, the Commission may, at its discretion, require appropriate technical changes in equipment to eliminate such interference.

(d) The Commission may, at its discretion, designate limits other than those set forth in paragraph (b) of this section after a proper showing of the need therefor.

[28 FR 12506, Nov. 22, 1963, as amended at 35 FR 5618, Apr. 7, 1970]

§ 5.104 Modulation requirements.

Modulation requirements of stations in the Experimental Radio Services shall not be in excess of that necessary for the conduct of the authorized program of experimentation nor shall the emissions exceed the limitations imposed by § 5.103, unless specifically authorized by the Commission.

§ 5.105 Power and antenna height.

(a) The effective radiated power and antenna height which may be used by a station in this service shall be no more than the minimum necessary to satisfactorily carry on the authorized program of experimentation. No station shall operate at any time with power in excess of that authorized in the station instrument of authorization.

(b) The maximum power requested by an applicant shall not be in excess of the maximum obtainable power of the transmitter consistent with satisfactory technical operation.

§ 5.106 Transmitter control requirements.

(a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(c) Except where unattended operation is authorized in accordance with § 5.155(b)(4), each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is a position from which messages may be transmitted under the supervision of a control point operator. Dispatch points may be installed without authorization from the Commission.

(e) At each control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter, or other dependable device, which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters.

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision; and capable of receiving transmissions from stations to which harmful interference might be caused.

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

(5) In cases in which the applicant makes a satisfactory showing that one or more of the requirements set forth in paragraphs (e) (1) through (4) of this section would be inappropriate and requests that such requirements be eliminated or others substituted, the Commission will consider such requests.

§ 5.107 Transmitter measurements.

(a) Except as provided in paragraph (c) of this section, the licensee of each station in the Experimental Radio Services shall employ suitable procedures to determine that the carrier frequency, power, and modulation do not exceed the limits prescribed in the station authorization.

(b) The transmitter operating characteristics shall be checked and necessary adjustments made when the equipment is originally installed, when any changes are made which might result in operation outside the limits specified in the instrument of authorization, and as often as necessary to maintain the transmitter operation within the limits specified in the instrument of authorization.

(c) Exceptions to paragraphs (a) and (b) of this section may be made: *Provided,* The applicant makes a satisfactory showing that the nature of the proposed program of experimentation precludes compliance therewith.

§ 5.108 Wildlife tracking and ocean buoy tracking operations.

Except as provided in §§ 5.101 through 5.107, the use of the frequencies in the bands 40.66-40.70 MHz and 216-220 MHz for the tracking of and telemetry of scientific data from, ocean buoys and animal wildlife, are subject to the following conditions:

(a) All transmitters used at stations first licensed after February 18, 1975, shall comply with the technical requirements in paragraph (b) of this section and shall be type accepted as provided in § 5.109.

(b) Technical requirements for transmitters used for these operations are as follows:

(1) In the 40.66-40.70 MHz frequency band, the bandwidth required for frequency tolerance plus the occupied bandwidth of any emissions must be adjusted so as to be confined within this band, except as permitted by paragraph (b)(6) of this section.

(2) In the 216-220 MHz frequency band, the carrier frequency shall be maintained within 0.005 percent of the assigned frequency.

(3) Classes of emission will be limited to A0, A1, A2, F1, F2 and/or F9.

(4) Occupied bandwith shall not exceed 1 kHz.

(5) The maximum carrier power shall not exceed 1 milliwatt for airborne wildlife applications, 10 milliwatts for terrestrial wildlife applications and 100 milliwatts for ocean buoys.

(6) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the schedule shown in § 5.103(b) of this subpart.

[40 FR 2814, Jan. 16, 1975; 40 FR 6474, Feb. 12, 1975]

§ 5.109 Acceptability of transmitters for licensing.

All transmitters used at stations licensed for wildlife and ocean buoy tracking and telemetering operations pursuant to § 5.108 which are marketed after February 18, 1976, shall be type accepted pursuant to Subpart J of Part 2 of this chapter.

[40 FR 2815, Jan. 16, 1975; 40 FR 6474, Feb. 12, 1975]

Subpart D—Operating Requirements

§ 5.151 General limitations on use.

(a) The following transmission limitations are applicable to all classes of stations in the experimental services and are in addition to the specific requirements applicable to each respective class of service as covered under Subparts E and F of this part:

(1) Stations may make only such transmissions as are necessary and directly related to the conduct of the licensee's stated program of experimentation as specified in this application for construction permit and license and the related station instrument of authorization, and as governed by the provisions of the rules and regulations contained in this part. All transmissions shall be limited to the minimum practical transmission time.

(2) When transmitting, the licensee must use every precaution to insure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations of Part 2 of this chapter and, further, that the power radiated is reduced to the lowest practical value consistent with the program of experimentation for which the station authorization is granted. If harmful interference to an established radio service develops, the licensee shall cease transmissions and such transmissions shall not be resumed until it is certain that harmful interference will not be caused.

(b) Unless expressly permitted in the instrument of authorization, experimental stations shall not be used:

(1) To retransmit signals of any other station, except in conjunction with the authorized program of experimentation.

(2) To transmit programs intended for public reception or render any communication service.

§ 5.152 Station identification.

Each class of station in the experimental services shall, unless specifically exempted by the terms of the station authorization, transmit its assigned call sign at the end of each complete transmission: *Provided, however,* That the transmission of the call sign at the end of each transmission is not required for projects requiring continuous, frequent, or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every thirty minutes.

§ 5.153 Suspension of transmission required.

The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 5.154 Mobile installations in vehicles not under the continuous control of the licensee.

A mobile radio station licensed in the experimental services may not be installed or maintained in a vehicle, aircraft, or vessel, which is not at all times controlled exclusively by the licensee, unless precautions have been taken to eliminate effectively the possibility of the licensed transmitter being operated during the period that the vehicle, aircraft, or vessel is not under the control of the licensee.

§ 5.155 Operator requirements.

(a) All transmitter adjustments which may affect the proper operation of a station shall be made by or under the immediate supervision and responsibility of a person holding a radiotelephone or radiotelegraph first or second class operator license: *Provided, however,* That only a person holding a radiotelegraph first or second class operator license shall perform such functions at a radiotelegraph station transmitting by any type of the Morse code.

(b) A person holding a radiotelephone or radiotelegraph first or second class operator license, as may be appropriate for the type of emission being used, shall be on duty and in charge of the transmitter during the normal rendition of service: *Provided, however,* That if the transmitter is so designed that none of the operations necessary to be performed during the normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, an operator holding any class of commercial radio operator license except Temporary Limited Radiotelegraph Second Class Operator License shall be on duty and in charge of the transmitter except:

(1) Only a person holding a commercial radiotelegraph operator license of any class except Temporary Limited Radiotelegraph Second Class shall operate a station when transmitting radiotelegraphy by any type of Morse Code: *Provided, however,* That a person holding a commercial radiotelephone operator license of any class may operate such station when telegraphy is transmitted by automatic means for identification, testing, or actuating an automatic signalling device.

(2) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies above 25 MHz.

(3) An unlicensed person may operate a mobile station when trasmitting radiotelephony on frequencies below 25 MHz when such mobile station is under the operational control of a land station of the same licensee.

(4) No person is required to be in attendance at a station under the following conditions:

(i) When transmitting on frequencies above 50 MHz for telemetering purposes.

(ii) When serving as a replay station for the purpose of retransmitting by self activating means signals from another station or stations.

(iii) When transmitting in the 40.66-40.70 MHz frequency band in accordance with the provisions of § 5.108.

(c) The provisions of this section authorizing unlicensed persons to operate certain stations shall be applicable only to stations located within the United States, its territories or possessions and which communicate exclusively with one or more stations located in the United States, its territories or possessions.

(d) The provisions of this section authorizing unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them, or for the proper functioning and operation of those stations in accordance with the terms of the licenses of those stations.

[28 FR 12506, Nov. 22, 1963, as amended at 35 FR 5618, Apr. 7, 1970; 35 FR 16926, Nov. 3, 1970; 40 FR 60033, Dec. 31, 1975]

§ 5.156 Evidence of operator license.

Whenever a licensed operator is required by § 5.155, the original license or verification card of such operator shall be immediately available at the place where the operator is on duty.

§ 5.157 Posting station licenses.

(a) The current original authorization for each station shall be retained as a permanent part of the station records but need not be posted.

(b) A clearly legible copy of the authorization for each station at a fixed location shall be posted at every control point of the station.

[44 FR 29071, May 18, 1979]

§ 5.158 Authorized points of communication.

Stations in the experimental services may communicate only with other stations licensed in the experimental services: *Provided, however,* That upon a satisfactory showing that the proposed communications are essential to the conduct of the research project, authority may be granted to communicate with stations in other services and U.S. Government stations.

§ 5.159 Operation during an emergency.

(a) The licensee of any station in the Experimental Radio Services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service, subject to other provisions of this section, by communicating in a manner other than that specified in the station license.

(b) As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put.

(c) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available.

(d) The Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated.

(e) In no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law.

(f) The Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 5.160 Inspection of stations.

All stations and records of stations in the Experimental Services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 5.161 Inspection and maintenance of tower marking and lighting and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspections and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements of §§ 17.43 through 17.57 of this chapter.

[34 FR 3802, Mar. 5, 1969]

§ 5.162 Notice of violation.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter, shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 5.163 Content of station records.

(a) The licensee of each station in the experimental services shall maintain adequate records of the station's operations, including:

(1) Dates and hours of operation.

(2) All measurements of the frequency(s), including the name of the person making the measurements, the exact frequency measured or the observed deviations from the assigned frequency(s) expressed in Hertz, kilohertz or percent plus or minus, and a statement of any corrective action taken.

(3) Power.

(4) Types of emission.

(5) Chronological record of experimentation conducted.

(6) The name of the operator on duty.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number and expiration date of his license: *Provided, however,* That the information called for under paragraph (b)(2) of this section and this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the stations.

(c) For stations whose antenna structure is required to be illuminated, a record in accordance with the requirements of § 17.49 of this chapter.

[28 FR 12506, Nov. 22, 1963, as amended at 34 FR 3802, Mar. 5, 1969; 35 FR 5618, Apr. 7, 1970]

§ 5.164 Form of station records.

(a) The records shall be kept in an orderly manner, in suitable form, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the record shall be signed by a person having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry, who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

(d) A copy of this part shall be maintained in the records of each fixed or land station licensed under this part.

§ 5.165 Retention of station records.

Records required to be kept by this part shall be retained by the licensee for a period of at least one year.

§ 5.166 Adherence to program of research.

(a) The program of experimentation as stated by an applicant in its application for construction permit or license or in the station instrument of authorization, shall be substantially adhered to unless the licensee is authorized to do otherwise by the Commission.

(b) Where some phases of the experimental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience, or necessity.

Subpart E—Experimental Service (Research)

§ 5.201 Eligibility for license.

Authorizations for stations in the Experimental Service (Research) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for scientific or technical radio research not related to an existing service or proposed service, or for communications in connection with research projects when existing communication facilities are inadequate.

§ 5.202 Scope of service.

Stations operating in the Experimental Service (Research) will be permitted to conduct the following types of operations:

(a) Experimentations in scientific or technical radio research.

(b) Development of radio technique, equipment or engineering data not relating to an existing or proposed service, including field or factory testing or calibration of equipment.

(c) Experimentations under contractual agreement with the United States Government, or for export purposes.

(d) Communications essential to research projects.

(e) Technical demonstrations of equipment or techniques.

§ 5.203 Frequencies for Experimental Service (Research).

Stations operating in the Experimental Service (Research) may be authorized to use any government or nongovernment frequency designated in the Table of frequency allocations set forth in Part 2 of this chapter as available for assignment to this service: *Provided,* That the need for the specific frequency(s) requested is fully justified by the applicant.[1]

[38 FR 12744, May 15, 1973, as amended at 40 FR 2815, Jan. 16, 1975]

§ 5.204 Experimental report.

(a)(1) Except in the case of those stations providing essential communications for research projects, a report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license.

(2) The licensee shall, upon request, forward experimental reports at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires otherwise.

(c) In the case of experimentations which are under contractual agreement with the United States, such reports shall include the information in paragraph (d) in so far as security regulations permit.

(d) The experimental report shall include comprehensive information on the following items:

(1) Detailed analysis of the results obtained.

(2) Report on the experimentation conducted.

(3) Total number of hours of operation on each frequency assigned.

(4) Copies of publications covering the experimental work.

(5) A list of patents issued as a result of the experimental work.

(6) Any other pertinent information.

Subpart F—Experimental Service (Developmental)

§ 5.251 Eligibility for license.

(a) Authorizations for stations in the Experimental Service (Developmental) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for the development of equipment for use in an existing service or for the development of equipment or technical operational data directly related to a use of radio not provided by existing rules.

(b) Applicants eligible for authorizations in an established service, and seeking to develop operational data or techniques directed toward the improvement or extension of that service, shall conduct such projects under the developmental rules of the established service.

§ 5.252 Scope of service.

Stations operating in the Experimental Service (Developmental) will be permitted to conduct the following types of operations:

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[1] Notwithstanding the broad frequency provision for this Service, applicants desiring authorization for the purpose of wildlife or ocean buoy telemetering and/or tracking should, to the extent practicable, use frequencies in the bands 40.66-40.70 MHz or 216-220 MHz, in accordance with footnote US 210 to the Table of Frequency Allocations, § 2.106 of this chapter. Transmitters to be used in these bands for this purpose shall comply with the requirements set forth in § 5.108 of this part.

(a) Development of radio equipment, operational or engineering data related to an existing or proposed radio service.

(b) Field strength surveys by persons not eligible for authorization in any other service.

(c) Demonstration of equipment to prospective purchasers for proposed stations in existing services by persons engaged in the business of selling radio equipment.

(d) For field strength surveys under paragraph (b) of this section, or demonstrations of equipment under paragraph (c) of this section, transmissions shall be limited to test messages essential to the installation, extension or development of a radio communication facility and the procedure set forth in § 5.254 shall apply.

(e) Testing of equipment in connection with production or type approval of such equipment.

[28 FR 12506, Nov. 22, 1963, as amended at 43 FR 16736, Apr. 20, 1978]

§ 5.253 Frequencies for Experimental Service (Developmental).

(a) Any frequency allocated in Part 2 of this chapter to a particular service may be assigned for the purposes set forth in § 5.252 provided the proposed operation is in accordance with the rules governing the service involved.

(b) Frequencies which have been allocated in Part 2 of this chapter to a shared Government and non-Government service for which rules governing non-Government stations have not been promulgated may be assigned for the purpose indicated in column 8 of the table of frequency allocations contained in § 2.106 of this chapter.

(c) Frequencies which have been allocated in Part 2 of this chapter to a non-Government service for which rules have not been promulgated may be assigned to the class of stations indicated in column 9 of the table of allocations for the purpose indicated in column 8 of that table.

(d) Except as provided in paragraph (f) of this section, no developmental authorization for experimentation related to an established service will be made which involves the assignment of frequencies not included in the rules governing such service or the use of allocated frequencies in a manner contrary to the rules governing that service until the Commission has made a determination that such frequency assignment or use is in the public interest. Each application requesting the use of frequencies not allocated to an established service for which a developmental program is planned or which is contrary to the rules governing that service must be accompanied by a petition requesting the amendment of the rules governing the service involved to provide for the proposed operation.

(e) Except as provided in paragraph (f) of this section, frequencies will not be assigned for the development of a service for which no frequencies have been allocated until the Commission has made a preliminary determination that the public interest, convenience, or necessity would be served by the establishment of the service. Such applications must be accompanied by a petition requesting the allocation of frequencies for the proposed service and setting forth the reasons in support of the petition.

(f) Where circumstances require and permit, the Commission may defer action on any petition required by paragraphs (d) and (e) of this section and authorize a grant of limited duration for the sole purpose of developing data which the Commission finds to be necessary to make the determinations with respect to such petitions. Such grants shall in no way be construed as a finding by the Commission with respect to the matters set forth in the petitions or that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of the particular grant. The terms of such grant, including frequency, power, emission, etc., will be specified in the instrument of authorization.

§ 5.254 Frequencies for field strength surveys or equipment demonstrations.

(a) Specific frequencies will not normally be designated in a station license issued for the purpose of conducting field strength surveys or equipment demonstrations. Prior to the commencement of a survey, the licensee will request a specific frequency assignment and submit the following information:

(1) Time, date and duration of survey.

(2) Frequency to be used.

(3) Location of transmitter and geographical area to be covered.

(4) Purpose of survey.

(5) Method and equipment to be used.

(6) Names and addresses of persons for whom the survey is conducted.

(b) Upon receipt of authority from the Commission to conduct a particular survey, the licensee shall furnish the Engineer in Charge of the radio district in which the survey is to be conducted, sufficiently in advance to assure receipt before the commencement thereof, the following information: Time, date, duration, frequency, location of transmitter, area to be covered, and purpose of survey.

§ 5.255 Experimental report.

(a) A report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license: *Provided, however,* That the licensee shall, upon request, forward experimental reports at such time during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires disclosures.

(c) The experimental report of stations operating in this service for the development of existing services shall include comprehensive information on the following items in the order designated:

(1) Detailed analysis of the results obtained.

(2) Report on the experimental work conducted.

(3) The total number of hours of operation on each frequency.

(4) Copies of any published reports on the program of experimentation.

(5) Any other pertinent information that may be useful to the Commission in evaluating the merits of the proposed operations.

(d) In addition to the information included in paragraph (c) of this section, the experimental report of a station authorized for the development of a new service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.

(2) Practicability of service operations.

(3) Interference encountered.

(4) Pertinent information relative to merits of the proposed service.

(5) Propagation characteristics of frequencies used, particularly with respect to service objective.

(6) Frequencies believed to be more suitable and reasons therefor.

(7) Type of signals or communications employed in the experimental work.

Subpart G—[Reserved]

Subpart H—Student Authorizations

§ 5.401 Eligibility for license.

The Commission may issue an authorization under this subpart to students for the purpose of presenting experiments or technical demonstrations for school or school approved projects which require the use of radio for a limited period of time. Such authorizations may, in the discretion of the Commission, be granted to students of seventh grade or higher level.

§ 5.402 Filing of applications.

(a) Notwithstanding the requirements in Subpart B of this part, an application for a student authorization may be filed in letter form, in duplicate, with the original signed. The application shall contain the information set forth in paragraph (b) of this section.

(b) The application shall contain the following information:

(1) Name and address of applicant.

(2) A statement that the applicant is a citizen of the United States.

(3) Applicant's school and grade.

(4) A detailed description in narrative form of the project including the type and purpose of operation.

(5) Place of operation—street address, name of building, or other specific location.

(6) Date(s) of operation including the exact hours, when known, as well as the duration of each period of operation.

(7) Equipment to be used. If manufactured, list name of manufacturer and type number. For other equipment, describe in detail and furnish a circuit diagram.

(8) Frequency(ies) desired and range of frequencies which could be employed.

(9) The method by which the frequency of operation will be determined.

(10) Frequency tolerance.

(11) The means by which this tolerance will be maintained.

(12) DC plate power input to final radio frequency stage. If not known, indicate any known power rating of equipment and state whether this is power output of transmitter or radiated power, and whether average or peak.

(13) Type of emission including a description of the modulation that will be applied, if modulated.

(14) Description of the antenna to be used, including height above ground.

(c) The application shall be accompanied by a signed statement from the principal of the school, or a member of its faculty, on appropriate letterhead, stating that the project has the approval of the school and indicating the person under whose general supervision the project will be conducted.

§ 5.403 Waiver of construction permit.

Subject to the requirements of §§ 5.401 and 5.402, the provisions contained in section 319(d) of the Communications Act are waived insofar as such provisions require the issuance of a construction permit prior to the issuance of the student authorization provided for in this subpart.

§ 5.404 Waiver of operator requirement.

Subject to the requirements of §§ 5.401 and 5.402, the provisions contained in section 318 of the Communications Act are waived insofar as such provisions require that a station authorized under this subpart be operated by a person holding an operator's license: *Provided, however,* That the Commission, in its discretion, may require that operations authorized pursuant to this subpart be conducted by, or in the presence of, a licensed operator of the appropriate grade.

§ 5.405 Power limitation.

No authorization under this subpart will be issued unless the description of the project shows that the dc plate power input to the final radio frequency stage does not exceed 5 watts: *Provided, however,* That a greater power may be authorized if a satisfactory showing is made that such greater power is necessary and that appropriate measures will be taken to prevent interference.

§ 5.406 Frequencies.

(a) Frequencies in the following bands are available for assignment in authorizations issued under this subpart:

27.23-27.28 MHz.
460-461 MHz.
462.525-467.475 MHz.
2450-2500 MHz.

(b) In each case, the carrier frequency must be far enough inside the band so as to keep the sideband energy within the band limits specified.

[28 FR 12506, Nov. 22, 1963, as amended at 35 FR 5618, Apr. 7, 1970]

§ 5.407 Measurements required.

The frequency of operation must be measured or checked prior to each time of operation.

§ 5.408 Waiver of technical and operating requirements.

Subject to the provisions of §§ 5.405, 5.406, and 5.407, the provisions in Subparts C and D of this part are waived insofar as such provisions require a station authorized under this subpart to observe the technical and operating requirements set forth therein.

§ 5.409 Noninterference condition.

Each authorization issued to a student under this subpart is subject to the condition that no harmful interference, as defined in § 5.3(h), is caused to any authorized station.

[38 FR 12744, May 15, 1973]

§ 5.410 Record of operation.

(a) The licensee holding an authorization issued under this subpart shall maintain a record of operation containing the following information:

(1) The date and time of each period of operation.

(2) The frequency of operation as measured or checked at the beginning of each period of operation.

(3) A brief description of the experimentation being conducted.

(b) Each entry shall be signed by the person operating the equipment.

(c) These records shall be retained for one month after the termination of the authorization.

§ 5.411 Notification.

(a) The holder of an authorization issued under this subpart shall notify the Engineer in Charge of the district in which the station will be operated in advance of each scheduled operation.

(b) The notice to the Engineer in Charge shall be in writing and shall contain the following information:

(1) Place of operation.

(2) Date(s) of operation, including exact time if known.

(3) Frequency(ies) to be used.

(4) Call letters of station.

PART 13—COMMERCIAL RADIO OPERATORS

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AUTHORITY: Secs. 4,303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

SOURCE: 28 FR 12515, Nov. 22, 1963, unless otherwise noted.

GENERAL

§ 13.1 Licensed operators required.

Unless otherwise specified by the Commission, the actual operation of any radio station for which a station license is required shall be carried on only by a licensed radio operator of the required class (see § 13.61).

NOTE A: Whenever the term "license" is used generally to denote an authorization from the Commission, it includes "license," "permit" and "authorization".

NOTE B: Provision is made in Parts 5, 21, 81, 83, 87, 89, 91, 93, and 95 of this chapter for operation of certain radio stations without licensed operators subject to limitations and conditions specified therein.

§ 13.2 Classification of operator licenses and endorsements.

Commercial radio operator licenses issued by the Commission are classified basically as radiotelegraph and radiotelephone licenses, and are further classified in accordance with international usage. Endorsements are affixed according to special authorizations or restrictions. Licenses and endorsements are designated as follows:

(a) General radio operator group:

(1) General radiotelegraph certificates:

(i) Radiotelegraph First Class Operator License.

(ii) Radiotelegraph Second Class Operator License.

(2) General radiotelephone certificates (classification by international usage):

(i) General Radiotelephone Operator License.

NOTE: Until future notice implementing the full provisions of the *Fourth Report and Order* in Docket Number 20817, adopted on June 16, 1981, the Commission will continue issuing Radiotelephone Second-Class Operator Licenses. Subsequent to such notice, the General Radiotelephone Operator Licenses will be issued.

(b) Restricted radio operator group:

(1) Special radiotelegraph certificate (classification by international usage):

(i) Radiotelegraph Third Class Operator Permit.

(2) Restricted radiotelephone certificate (classification by international usage):

(i) Radiotelephone Third Class Operator Permit.

(ii) Marine Radio Operator Permit.

(c) Limited radio operator group:

(1) Limited radiotelephone operator certificate:

(i) Restricted Radiotelephone Operator Permit.

(d) License endorsements:

(1) Six months service endorsement—applicable only to radiotelegraph first- and second-class licenses.

(2) Ship radar endorsement—applicable only to Radiotelegraph First and Second-Class Licenses and General Radiotelephone Operator Licenses.

(3) Aircraft radiotelegraph endorsement—applicable only to radiotelegraph first- and second-class licenses.

(4) [Reserved]

(5) Restrictive endorsements as specified in this part of the rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12515, Nov. 22, 1963, as amended at 36 FR 19440, Oct. 6, 1971; 39 FR 26156, July 17, 1974; 44 FR 1735, Jan. 18, 1979; 45 FR 52155, Aug. 6, 1980; 46 FR 35460, July 8, 1981]

§ 13.3 Dual holding of licenses.

(a) U.S. citizens, citizens of American Samoa, and Trust Territory citizens may hold the Restricted Radiotelephone Operator Permit and the Marine Radio Operator Permit at the same time. Otherwise they may not hold more than one radiotelephone license and one radiotelegraph license at the same time.

(b) Aliens may hold two Restricted Radiotelephone Operator Permits at the same time as each one may convey partial operating authority.

[44 FR 1735, Jan. 8, 1979, as amended at 45 FR 52155, Aug. 6, 1980]

§ 13.4 Term of licenses.

(a) Except as provided in paragraphs (b) and (c) of this section, commercial operator licenses will normally be issued for a term of 5 years from the date of issuance.

(b) Restricted Radiotelephone Operator Permits issued to U.S. citizens or other U.S. nationals will normally be issued for the lifetime of the operator. The terms of all Restricted Radiotelephone Operator Permits issued prior to November 15, 1953, which were outstanding on that date were extended to encompass the lifetime of such operators.

(c) A commercial operator license or permit granted to an alien aircraft pilot under a waiver of the United States nationality provisions of Section 303(1) of the Communications Act will normally be issued for a term of five (5) years from the date of issuance. An operator license or permit issued to an alien aircraft pilot shall be valid only if the operator continues to hold a valid aircraft pilot certificate issued by the Federal Aviation Administration or one of its predecessor agencies.

[28 FR 12515, Nov. 22, 1963, as amended at 31 FR 12480, Sept. 21, 1966; 39 FR 26156 July 17, 1974; 40 FR 5366, Feb. 5, 1975]

§ 13.5 Eligibility for new license.

(a) Commercial operator licenses are issued to

(1) United States citizens.

(2) United States nationals.

(3) Citizens of the Trust Territory of the Pacific Islands presenting valid identity certificates issued by the High Commissioner of the Trust Territory.

(4) Aliens holding Federal Aviation Administration pilot certificates.

(5) Aliens holding Federal Communications Commission station licenses, but the operator license will be valid only for operating the station licensed in the name of the alien.

(b) Notwithstanding any other provisions of the Commission's rules, no person otherwise eligible shall be deemed to be eligible to be examined for or to receive a commercial radio operator license of any class, (1) whose commercial radio operator license is under suspension or is involved in a suspension proceeding, (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended, or (3) who is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(c) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, other than as set forth in paragraph (b) of this section, be denied the privilege of applying and being permitted to attempt to prove his qualifications (by examination if examination is required) for such commercial radio operator license in accordance with established procedure; nor, subject to the following conditions, shall such applicant be denied the issuance of any commercial radio operator license for which he is found qualified:

(1) If the applicant is afflicted with uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, he may be issued the license for which he is found qualified: *Provided*, That any license so received, if of the diploma-form (as distinguished from such document of the card-form), shall bear a restrictive endorsement as follows:

> This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

Provided further, That in the case of a diploma-form license for which no examination in technical radio matters is required, the endorsement will be modified by deleting the reference therein to installation, service, and maintenance duties.

(2) If the applicant afflicted with blindness is afforded a waiver of the written examination requirements and is found qualified for a General Radiotelephone Operator License, the applicant may be issued the license, provided that the license so received shall bear an endorsement as follows:

"This license is not valid for the operation of any station licensed by the Commission unless the station has been adapted for operation by a blind person and the equipment to be used in such station for that purpose is capable of providing operation in compliance with the Commission's Rules."

NOTE: Some First Class, Second Class, and Third Class licenses or permits previously issued by the Commission also bear this endorsement.

(3) In any case where an applicant who normally would receive or has received a commercial radio operator license bearing the endorsement pre-

scribed by paragraph (c)(1) of this section, indicates his desire to operate a station falling within the prohibitive terms of the endorsement, he may request in writing that such endorsement not be placed upon, or be removed from, his license, and may submit in support of his request any written comment or statement of himself or any interested party.

(4) An applicant who shows that he has theretofore performed satisfactorily (by means of the service record appearing on the appropriate license document of the applicant or such other proof as may be appropriate under the circumstances of the particular case) the duties of a radio operator at a station required, directly or indirectly, by any treaty, statute, or rule or regulation pursuant to statute to be provided for safety purposes, during a period when he was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his current application (this showing may be made by means of the applicant's written, sworn statement or such other documentary proof as may be appropriate under the circumstances of the particular case), shall not be deemed to be within the provisions of paragraph (c)(1) of this section.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12515, Nov. 22, 1963, as amended at 32 FR 9232, June 29, 1967; 36 FR 19440, Oct. 6, 1971; 40 FR 5366, Feb. 5, 1975; 46 FR 35461, July 8, 1981]

§ 13.6 Operator license, posting of.

The original license of each station operator shall be posted at the place where he is on duty, except as otherwise provided in this part or in the rules governing the class of station concerned.

§ 13.8 Provisional Radio Operator Certificate.

(a) In circumstances requiring immediate authority to operate a radio station pending submission of proof of eligibility or of qualifications or pending a determination by the Commission as to these matters, an applicant for a radio operator license may be issued a Provisional Radio Operator Certificate.

(b) If the Commission finds that the public interest will be served, it may issue such certificates for a period not to exceed 6 months with such additional limitations as may be indicated.

(c) A Provisional Radio Operator Certificate will not be issued if the applicant has not fulfilled the examination requirements for the license applied for.

[39 FR 26156, July 17, 1974, as amended at 44 FR 1735, Jan. 8, 1979]

APPLICATIONS

§ 13.11 Procedure.

(a) *General.* Applications will be governed by the rules in force on the date when application is filed. The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed, must be submitted to the appropriate office as indicated in paragraph (b) of this Section. If the application is for renewal of license, it may be filed at any time during the final year of the license term or during a 1-year period of grace after the date of expiration of the license sought to be renewed. During this 1-year period of grace, an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be backdated to the date of expiration of the license being renewed. A renewal application should be accompanied by the license sought to be renewed.

(b) *Place of filing.* (1) Applications for Restricted Radiotelephone Operator Permits shall be filed as follows:

(i) U.S. citizens, U.S. nationals, and citizens of the Trust Territory of the Pacific Islands—file application FCC Form 753 with the FCC, Gettysburg, PA. 17325.

(ii) Aliens—file FCC Form 755 with the FCC, Washington, D.C. 20554.

(c) *Restricted radiotelephone operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith.

(d) *Short term license.* A license or permit issued for a term of less than five years (see § 13.4), may be renewed without further examination, provided proper application is filed in accordance with paragraph (a) of this section.

(e) *Blind applicant.* A blind person seeking an examination for a General Radiotelephone Operator License should make a request in writing to the appropriate field office for a time and date to appear for such examination. The examination will be administered only at Field Offices. Requests for examinations must be made at least 2 weeks prior to the date on which the examination is desired.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[29 FR 15761, Nov. 24, 1964, as amended at 31 FR 15, Jan. 4, 1966; 36 FR 19440, Oct. 6, 1971; 39 FR 26156, July 17, 1974; 44 FR 29077, May 18, 1979; 46 FR 35461, July 8, 1981]

§ 13.12 Special provisions.

(a) Radiotelegraph first class operator license.

(1) Applicant must be at least 21 years old.

(2) Applicant must have one year of experience in sending and receiving public correspondence by radiotelegraph. The experience may be obtained at ship stations, coast stations, or both.

(b) Six months service endorsement.

(1) An endorsement may be placed on a first or second class radiotelegraph operator license attesting that the holder has had at least six months satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

(2) To qualify for the six month service endorsement, the applicant must submit proof that the service was obtained under the following conditions:

(i) On board a ship or ships of the United States equipped with a radiotelegraph station in compliance with part II of title III of the Communications Act of 1934, as amended;

(ii) Under the authority of a first or second class radiotelegraph operator license prescribed and issued by the Federal Communications Commission; and

(iii) While licensed as a radio officer by the U.S. Coast Guard in accordance with the Act of May 12, 1948 (46 U.S.C. a-h).

(3) In the event documentary evidence cannot be produced, a statement under oath embodying the following information may be submitted:

(i) Names of ships on which employed.

(ii) Call letters of stations.

(iii) Types of emission employed.

(iv) Whether radiotelegraph operation employed.

(v) Whether service was satisfactory or unsatisfactory.

(vi) Period of employment.

(vii) Name of master, employer, licensee, or his duly authorized agent.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 18719, Mar. 26, 1981]

§ 13.13 Age limit, restricted radiotelephone operator permit.

An applicant for a restricted radiotelephone operator permit must be at least 14 years of age at the time the permit is issued.

EXAMINATIONS

§ 13.21 Examination elements.

(a) Written examinations will comprise questions from one or more of the following examination elements.

(1) Basic law. Provisions of laws, treaties and regulations with which every operator should be familiar.

(2) Basic operating practice. Radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations.

(3) General radiotelephone. Technical, legal, and other matters applicable to the operation of radiotelephone stations other than broadcast.

(4) [Reserved]

(5) Radiotelegraph operating practice. Radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily

other than in the maritime mobile services of public correspondence.

(6) Advanced radiotelegraph. Technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

(7) Aircraft radiotelegraph. Basic theory and practice in the operation of radio communications and radio navigational systems in general use on aircraft.

(8) Ship radar techniques. Specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

(b) Examination elements of the radiotelegraph Morse Code comprise sending and receiving tests at the following rates:

(1) Sixteen (16) code groups-per-minute.

(2) Twenty (20) plain language words-per-minute.

(3) Twenty (20) code groups-per-minute.

(4) Twenty-five (25) plain language words-per-minutes.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12515, Nov. 22, 1963, as amended at 39 FR 7580, Feb. 27, 1974; 44 FR 1735, Jan. 8, 1979; 46 FR 35461, July 8, 1981]

§ 13.22 Examination requirements.

Applicants for original licenses will be required to pass examinations as follows:

(a) [Reserved]

(b) *General Radiotelephone Operator License.* (1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements 3, 1, and 2.

NOTE: Until further notice implementing the full provisions of the *Fourth Report and Order* in Docket Number 20817, adopted on June 16, 1981, the examination requirements for the Radiotelephone Second Class Operator License will be the same as those for the General Radiotelephone Operator License.

(c) *Marine Radio Operator Permit.* (1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements 1 and 2 (marine version).

(d) *Radiotelegraph First Class Operator License.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

(3) Written examination elements 1, 2, 5, and 6.

(e) *Radiotelegraph Second Class Operator License.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements 1, 2, 5, and 6.

(f) *Radiotelegraph Third Class Operator Permit.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements 1, 2, and 5.

(g) *Restricted Radiotelephone Operator Permit.* No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws, and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[45 FR 52155, Aug. 6, 1980, as amended at 46 FR 35461, July 8, 1981]

§ 13.23 Examination form.

The written examination shall be in English, except when waived in accordance with authority specified in § 0.314. In the case of a blind applicant, the examination questions shall be made orally and the dictated answers recorded by a Commission examiner authorized to administer such oral examination.

[39 FR 26157, July 17, 1974]

§ 13.24 Passing mark.

A passing mark of 75 percent of a possible 100 percent will be required on each element of a written examination.

§ 13.25 New class, additional requirements.

The holder of a commercial radio operator license who applies for another class of license will be required to pass only any additional examination requirements for the new license, provided, however, that the holder of a Radiotelegraph Third-Class Operator Permit who takes an examination for a Radiotelegraph Second-Class Operator License more than 1 year after the issuance date of the Third-Class Permit will also be required to pass the code test prescribed therefor.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 35461, July 8, 1981]

§13.26 Cancellation of previous licenses.

When an applicant is issued a commercial radio operator license, other commercial radio operator licenses held by that applicant will be cancelled in accordance with the following:

Licensed issued	License(s) cancelled
Radiotelegraph First Class Operator License.	Radiotelegraph Second Class Operator License; Radiotelegraph Third Class Operator Permit; Radiotelephone Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
Radiotelegraph Second Class Operator License.	Radiotelegraph Third Class Operator Permit; Radiotelegraph Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
Radiotelegraph Third Class Operator Permit.	Radiotelegraph Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
General Radiotelephone Operator License.	Radiotelephone First Class Operator License; Radiotelephone Second Class Operator License; Radiotelephone Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
Marine Radio Operator Permit.	Radiotelephone Third Class Operator Permit.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 47229, Sept. 25, 1981]

§ 13.27 Eligibility for re-examination.

An applicant who fails an examination element, including a code test element, will be ineligible for 2 months to take an examination for any class of license requiring that element. Examination elements will be graded in the order listed (see § 13.22), and an applicant may, without further application, be issued the class of license for which he qualifies.

NOTE: A month after date is the same day of the following month, or if there is no such day, the last day of such month. This principle applies for other periods. For example, in the case of the 2 month period to which this note refers, an applicant examined December 1 may be re-examined February 1, and an applicant examined December 29, 30, or 31 may be re-examined the last day of February while one examined February 28 may be re-examined April 28.

[45 FR 52166, Aug. 6, 1980]

§ 13.28 License renewals.

(a) Restricted Radiotelephone Operator Permits issued to U.S. citizens, citizens of American Samoa, and Trust Territory Citizens are issued for the lifetime of the holder and need not be renewed.

(b) Other licenses issued for five year periods may be renewed upon proper application. There are no service or examination requirements for renewals.

(c) The Radiotelephone Third Class Operator Permit will not be renewed as such. Persons holding this permit may be issued a Marine Radio Operator Permit and a Restricted Radiotelephone Operator Permit.

(d) The Radiotelephone First and Second Class Operator Licenses will not be renewed as such. Persons holding either of these two licenses may be issued a General Radiotelephone Operator License upon renewal.

NOTE: Until further notice implementing the full provisions of the Fourth Report and Order in Docket Number 20817, adopted on June 16, 1981, the Commission will continue to issue renewal Radiotelephone First and Second Class Operator Licenses, notwithstanding the provisions of paragraph (d) above.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[45 FR 52156, Aug. 6, 1980, as amended at 46 FR 47229, Sept. 25, 1981]

CODE TESTS

§ 13.41 Transmitting speed requirements.

An applicant is required to transmit correctly in the International Morse code for 1 minute at the rate of speed prescribed in this part for the class of license desired.

§ 13.42 Transmitting test procedure.

Transmitting tests shall be performed by the use of the conventional Morse key except that a semi-automatic key, if furnished by the applicant, may be used in transmitting code tests of 25 words per minute.

§ 13.43 Receiving speed requirements.

An applicant is required to receive the International Morse Code by ear, and legibly transcribe, consecutive words or code groups for a period of 1 minute without error at the rate of speed specified in the rules for the class of license for which the application is made.

§ 13.44 Receiving test procedure.

Receiving code (tests) shall be written in longhand or printed by hand either in ink or pencil except that in the case of the 25 words per minute code test a typewriter may be used when furnished by the applicant.

[36 FR 19440, Oct. 6, 1971]

§ 13.45 Computing words or code groups.

Each five characters shall be counted as one word or code group. Punctuation marks or figures count as two characters.

SCOPE OF AUTHORITY

§ 13.61 Operating authority.

NOTE 1: The scope of authority of the various classes of operator licenses and permits is set forth in the Rules governing the radio services involved.

NOTE 2: The authority conveyed by an operator license may be limited in certain circumstances by restrictive endorsements. (See, for example, § 13.5(c).)

(a)—(e) [Reserved]

NOTE: Wherever a Radiotelephone First Class Operator License is specified by the Rules, a General Radiotelephone Operator License is the equivalent thereof.

(f) [Reserved]

NOTE: Wherever a Radiotelephone Second Class Operator License is specified by the Rules, a General Radiotelephone Operator License is the equivalent thereof.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 35461, July 8, 1981]

§ 13.63 Operator's responsibility.

The licensed operator responsible for the maintenance of a transmitter may permit other persons to adjust a transmitter in his presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he shall not be relieved thereby from responsibility for the proper operation of the equipment.

§ 13.64 Obedience to lawful orders.

All licensed radio operators shall obey and carry out the lawful orders of the master or person lawfully in charge of the ship or aircraft on which they are employed.

§ 13.65 Damage to apparatus.

No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 13.66 Unnecessary, unidentified, or superfluous communications.

No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

§ 13.67 Obscenity, indecency, profanity.

No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 13.68 False signals.

No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 13.69 Interference.

No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 13.70 Fraudulent licenses.

No licensed radio operator or other person shall alter, duplicate, or fraudulently obtain or attempt to obtain, or assist another to alter, duplicate, or fraudulently obtain or attempt to obtain an operator license. Nor shall any person use a license issued to another or a license that he knows to be altered, duplicated, or fraudulently obtained.

[38 FR 5249, Feb. 27, 1973]

MISCELLANEOUS

§ 13.71 Issue of duplicate or replacement licenses.

(a) If the authorization is of the diploma form, a properly executed application for duplicate should be submitted to the office of issue. If the authorization is of the card form (Restricted Radiotelephone Operator Permit), a properly executed application for replacement should be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325, EXCEPT for alien restricted radiotelephone operator permit applications, which must be submitted to Federal Communications Commission, Washington, D.C. 20554. In either case, the application shall embody a statement of the circumstances involved in the loss, mutilation, or destruction of the license or permit. If the authorization has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found, either the original or the duplicate (or replacement) will be returned for cancellation. If the authorization is of the diploma form, the applicant should also submit documentary evidence of the service that has been obtained under the original authorization, or a statement embodying that information.

(b) The holder of any license or permit whose name is legally changed may make application for a replacement document to indicate the new legal name by submitting a properly executed application accompanied by the license or permit affected. If the authorization is of the diploma form, the application should be submitted to the office where it was issued. If the authorization is of the card form (Restricted Radiotelephone Operator Permit) it should be submitted to the Federal Communications Commission, Gettysburg, Pa. 17325, except for alien restricted radiotelephone operator permit applications, which must be submitted to Federal Communications Commission, Washington, D.C. 20554.

[39 FR 7424, Feb. 26, 1974, as amended at 39 FR 26157, July 17, 1974; 40 FR 8188, Feb. 26, 1975]

§ 13.72 Exhibiting signed copy of application.

When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal, or a request has been made for an endorsement, higher class license or permit, or verification card, the operator shall exhibit in lieu of the original document a signed copy of the application which has been submitted to the Commission.

[39 FR 26157, July 17, 1974]

§ 13.73 Verification card.

The holder of an operator license or permit of the diploma form (as distinguished from such document of the card form) may, by filing a properly executed application accompanied by his license or permit, obtain a verification card (Form 758-F). This card may be carried on the person of the operator in lieu of the original license or permit when operating any station at which posting of an operator license is not required: *Provided*, That the license is readily accessible within a reasonable time for inspection upon demand by an authorized Government representative.

§ 13.74 Posting requirements for operator licenses.

(a) Licensed commercial radio operators, on duty at a single transmitting system, shall post their radio operator license or permit in accordance with the rules governing that station when:

(1) Performing radio operating duties and in charge of the transmitting systems or,

(2) Supervising or performing service and maintenance or inspection duties at the transmitting systems.

(b) Licensed commercial radio operators, on duty at two or more transmitting systems, which are not co-located, shall post their radio operator license or permit at one of the stations, and a valid verified posting statement (FCC Form 759) at each other station in accordance with the rules governing those stations when:

(1) Performing radio operating duties and in charge of the transmitting systems or,

(2) Supervising or performing service and maintenance or inspection duties at the transmitting sysems.

(c) In stations where rules for that service do not require posting, licensed commercial operators on duty and in charge of transmitting systems or performing service and maintenance or inspection duties of such transmitting systems, shall have on their person their radio operator license or permit, or a valid license verification card (FCC Form 758-F), which shall be available for inspection upon request by a Commission representative.

[39 FR 24370, July 2, 1974, as amended at 39 FR 26157, July 17, 1974]

§ 13.75 Record of service and maintenance duties performed.

In every case where a station operating log or service and maintenance log is required, the responsible operator in charge of the station operation or maintenance shall make the required entries in the log for the station concerned. If no station log is required, an operator responsible for service or maintenance duties which may affect the proper operation of the station shall sign and date an entry in the station maintenance records giving:

(a) Pertinent details of all service and maintenance work performed by him or under his supervision;

(b) His name and address; and

(c) The class, serial number and expiration date of his license:

Provided, That the responsible operator shall not be subject to requirements of paragraphs (b) and (c) of this section in relation to a station, or stations of one licensee at a single location, at which he is regularly employed as an operator on a full time basis and at which his license is properly posted.

[28 FR 12515, Nov. 22, 1963, as amended at 39 FR 26157, July 17, 1974]

§ 13.76 Limitation on aircraft pilots.

Notwithstanding any other provisions of this part, an operator permit issued to an alien aircraft pilot pursuant to section 303(l) of the Communications Act shall be valid only for such operation of radio stations on aircraft as is complementary to his functions and duties as a pilot.

[28 FR 12515, Nov. 22, 1963, as amended at 39 FR 26157, July 17, 1974]

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APPENDIX A—FCC METHODS OF MEASUREMENTS OF RADIO NOISE EMISSIONS FROM COMPUTING DEVICES

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

SOURCE: 28 FR 12521, Nov. 22, 1963, unless otherwise noted.

Subpart A—General

§ 15.1 Scope of this part.

(a) An incidental and restricted radiation device may be operated under the restrictions and provisions set forth in this part without an individual license. The operation of an incidental or restricted radiation device not in accordance with the provisions herein is prohibited by section 301 of the Communications Act of 1934, as amended.

NOTE: The provisions of an authorized radio service may permit the use of an incidental or restricted radiation device but only in accordance with an individual license and the restrictions set forth in the rules of such authorized radio service.

(b) The requirements, technical specifications, and equipment authorization procedures for an incidental and restricted radiation device, which apply to the marketing of such a device, are set forth herein. The manufacture and marketing of such a device without prior Commission authorization is prohibited by section 302 of the Communications Act of 1934, as amended.

[40 FR 10674, Mar. 7, 1975]

§ 15.2 Special Temporary Authority.

(a) A petition for rulemaking requesting an amendment to permit the operation of an incidental or restricted radiation device in a manner inconsistent with this part and not in accordance with the provisions of some other part of this chapter may be accompanied by an application for Special Temporary Authorization to operate the device on a developmental basis where it can be shown that such temporary operation would aid in final determination as to whether the proposed rule should be adopted, and that such temporary operation would otherwise be in the public interest.

(b) The Commission will, in exceptional situations, consider an individual application for a special temporary authorization to operate an incidental or restricted radiation device not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under this part.

[40 FR 10674, Mar. 7, 1975]

§ 15.3 General condition of operation.

Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio services.

§ 15.4 General definitions.

(a) *Radio frequency energy.* Electromagnetic energy at any frequency in the radio spectrum between 10 kHz and 3,000,000 MHz.

(b) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(c) *Incidental radiation device.* A device that radiates radio frequency energy during the course of its operation although the device is not intentionally designed to generate radio frequency energy.

(d) *Restricted radiation device.* A device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the radio frequency energy is conducted along wires or is radiated, exclusive of transmitters which require licensing under other parts of this chapter and exclusive of devices in which the radio frequency energy is used to produce physical, chemical or biological effects in materials and which are regulated under the provisions of Part 18 of this chapter

(e) *Marketing.* As used in this part, marketing shall include sale or lease, offer for sale or lease, advertising for sale or lease, the import or shipment or other distribution for the purpose of sale or lease or offer for sale or lease.

NOTE: In the foregoing, sale (or lease) shall mean sale (or lease) to the user or a vendor who in turn sells (or leases) to the user. Sale shall not be construed to apply to devices sold to a second party for manufacture or fabrication into a device which is subsequently sold (or leased) to the user.

(f) *Low power communication device.* A low power communication device is a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy.

Examples: Wireless microphone, phonograph oscillator, radio controlled garage door opener and radio controlled models.

(g) *Television broadcast receiver.* Apparatus designed to receive television pictures broadcast simultaneously with sound.

(h) *Noise figure of a television broadcast receiver.* The ratio of (1) the total noise power delivered by the receiver into its output termination when the noise temperature of its input termination is standard (290° K) at all frequencies, to (2) the portion thereof engendered by the input termination.

NOTE: For a television broadcast receiver, portion (2) includes only that noise from the input termination which appears in the output via the principal frequency transformation and does not include spurious contributions such as those from image-frequency transformation.

(i) *Peak picture sensitivity for television broadcast receiver.* The lowest input signal which results in standard picture test output when the receiver is tuned for maximum picture output.

NOTE: Standard picture test output for symmetrical sine-wave modulation shall be 20 volts peak-to-peak between the control elements of the picture tube.

(j) *Field disturbance sensor.* A restricted radiation device which establishes a radio frequency field in its vicinity and detects changes in that field resulting from movement of persons or objects within the radio frequency field.

(k) *Biomedical telemetry device.* A low power communications device consisting of one or more transmitters which is used to transmit, within a restricted area, via a radio frequency field, measurements of either human or animal biomedical phenomena to a receiver.

(l) *Auditory training device.* A transmitter or receiver used for auricular instruction of persons having speech or hearing handicaps.

(m) *Class I TV device.* A restricted radiation device that produces, on frequencies allocated for television broadcasting, a radio frequency carrier modulated by a video signal and which feeds the modulated radio frequency energy to the associated television receiver by conduction.

NOTE: Class I TV devices may include, but are not limited to certain video recorders, television cameras, TV game devices, and certain modulators intended for use with video devices; they do not include equipment used within a cable television system nor equipment producing signals on other than television broadcasting frequencies.

(n) *Computing Device.* Any electronic device or system that generates and uses timing signals or pulses at a rate in excess of 10,000 pulses (cycles) per second and uses digital techniques; inclusive of telephone equipment that utilizes digital techniques or any device or system that generates and utilizes radio frequency energy for the purpose of performing data processing functions, such as electronic computations, operations, transformations, recording, filing, sorting, storage, retrieval, or transfer. Radio transmitters, receivers, industrial, scientific and medical equipment and any other radio frequency device which are specifically subject to an emanation requirement elsewhere in this Chapter are excluded from this definition.

Note: Computer terminals and peripherals (i.e., Input/Output devices for computers) which are intended to be connected to a computer are considered computing devices. All other components or subassemblies (e.g., switching power supplies) of a computing device are not included in this definition.

(o) *Class A computing device.* A computing device that is marketed for use in a commercial, industrial or business environment; exclusive of a device which is marketed for use by the general public, or which is intended to be used in the home.

(p) *Class B computing device.* A computing device that is marketed for use in a residential environment notwithstanding use in commercial, business and industrial environment. Examples of such devices include, but are not limited to, electronic games, personal computers, calculators, and similar electronic devices that are marketed for use by the general public.

Note: A manufacturer may also qualify a device intended to be marketed in a commercial, business or industrial environment as a Class B computing device, and in fact is encouraged to do so, provided the device complies with the technical specifications for a Class B computing device. In the event that a particular type of device has been found to repeatedly cause harmful interference to radio communications, the Commission may classify such a computing device as a Class B computing device, regardless of its intended use.

(q) *Personal computer.* An electronic computer that is marketed for use in the home, notwithstanding business applications. Such computers are considered Class B computing devices. Computers which use a standard TV receiver as a display device or meet all of the following conditions are considered examples of personal computers:

(1) Marketed through a retail outlet or direct mail order catalog;

(2) Notices of sale or advertisements are distributed or directed to general public or hobbyist users rather than restricted to commercial users;

(3) Operates on a battery or 120 volt electrical supply.

If the manufacturer can demonstrate that because of price or performance the computer is not suitable for residential or hobbyist use, he may request that the computer be considered to fall outside the scope of this definition for personal computers.

(r) *Peripheral Device.* A self-contained input/output unit of a system that feeds data into a computer and/or receives data from a computer, including, for example, terminals, printers, floppy disc devices, other data storage devices, video monitors, keyboards, and other input/output devices that may or may not contain digital circuitry.

(s) *Personal Computer Peripheral Equipment.* Peripheral equipment capable of connecting to personal computers via cable, and that is marketed for use in residential environments notwithstanding business applications. Such equipment is considered a Class B computing device. Peripherals marketed in the following ways shall be considered personal computer peripheral equipment: Marketing through a retail outlet or direct mail order catalog, notices of sale or advertisements are distributed or directed to the general public or hobbiest users rather than restricted to commercial users.

If a manufacturer can demonstrate that because of price or performance a peripheral is not suitable for residential or hobbyist use, he may request that the peripheral be considered to fall outside the scope of this definition. In other words, he may seek a waiver of the rules classifying a peripheral as a Class B computing device.

(Secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330; secs. 4, 303, 307, 48 Stat., as amended, 1066, 1068, 1083; (47 U.S.C. 154, 303, 307))

[28 FR 12521, Nov. 22, 1963, as amended at 35 FR 5618, Apr. 7, 1970; 36 FR 16911, Aug. 26, 1971; 37 FR 5499, Mar. 16, 1972; 37 FR 13988, July 15, 1972; 37 FR 26604, Dec. 14, 1972; 38 FR 12744, May 15, 1973; 40 FR

10675, Mar. 7, 1975; 45 FR 24164, Apr. 9, 1980; 46 FR 21781, Apr. 14, 1981; 46 FR 23250, Apr. 24, 1981]

§ 15.5 Equipment available for inspection.

Any equipment or device subject to the provisions of this part together with any license, certificate, notice of registration or any technical data required to be kept on file by the operator of the device shall be made available for inspection by Commission representatives upon reasonable request.

§ 15.6 Information required by the Commission.

The owner or operator of any device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the device, including a copy of any measurements made for the purpose of certification.

§ 15.7 General requirement for restricted radiation devices.

Unless regulated under some other subpart of this part, any apparatus which generates a radiofrequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than $157{,}000/F(kHz)$ feet (equivalent to $\lambda/\pi 2$) need not be licensed provided:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point a distance of $157{,}000/F(kHz)$ feet (equivalent to $\lambda/\pi 2$) from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(e) That in the event harmful interference is caused, the operator of the apparatus shall promptly take steps to eliminate the harmful interference.

NOTE: Radio receivers, cable television systems, Class I TV devices, and low power communications devices are regulated elsewhere in this chapter and are not regulated by this section.

[28 FR 12521, Nov. 22, 1963, as amended at 35 FR 5618, Apr. 7, 1970; 37 FR 26604, Dec. 14, 1972]

§ 15.11 Prohibition against eavesdropping.

(a) No person shall use, either directly or indirectly, a device operated pursuant to the provisions of this part for the purpose of overhearing or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

[31 FR 3400, Mar. 4, 1966]

§ 15.25 Operating requirements: Incidental radiation device.

An incidental radiation device shall be operated so that the radio frequency energy that is emitted does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

[40 FR 10675, Mar. 7, 1975]

Subpart B—Administrative Provisions

SOURCE: 40 FR 10675, Mar. 7, 1975, unless otherwise noted.

§ 15.32 Cross reference.

The provisions of Subpart J of Part 2 of this chapter shall apply to devices operating under this part.

§ 15.33 Marketing of an RF device.

A device subject to regulation under this part may be marketed only pursuant to the provisions of Subpart I of Part 2 of this chapter.

§ 15.34 Certification.

(a) When the rules in this part require a device to be certificated, application therefor shall be filed on FCC Form 731 pursuant to the procedures set out in Subpart J of Part 2 of this chapter.

(b) The application shall be accompanied by:

(1) Fees pursuant to Subpart G of Part 1 of this chapter.

(2) A technical report pursuant to § 15.44.

(3) An expository statement pursuant to § 15.45.

(4) Photographs pursuant to § 15.46.

(5) A report of measurements pursuant to the rules governing the particular device.

[28 FR 12521, Nov. 22, 1963, as amended at 41 FR 19948, May 14, 1976]

§ 15.35 Type approval.

When the rules in this part require a device to be type approved, application therefore shall be filed on FCC Form 731 pursuant to the procedures set out in Subpart J of Part 2 of this chapter.

[41 FR 19948, May 14, 1976]

§ 15.37 Submission of equipment for testing.

(a) An applicant for, or a grantee of, an equipment authorization for a device subject to regulation under this part, shall make such a device available to the Commission for testing upon reasonable request.

(b) Such devices will be tested to verify data submitted by the applicant or grantee and/or to verify that devices being marketed under an equipment authorization continue to comply with the applicable regulations in this part.

(c) Expenses involved in shipping the device to the Commission and in its return shall be borne by the applicant for, or grantee of, the equipment authorization.

§ 15.38 Description of measurement facilities.

(a) Each person making measurements to be filed with an application for certification of a device subject to regulations under this part, shall file a description of his measurement facilities with the Commission.

(b) The description shall include the following information:

(1) Location of the test site.

(2) Physical description of the test site accompanied by photographs 8″ by 10″ in size. Smaller photographs may be submitted if they clearly show the required details and are mounted on full size sheets of paper.

(3) Drawing showing the dimensions of the site, the physical layout of supporting structures and all structures within 5 times the distance between the measuring set and the device being measured.

(4) Description of supporting structures used to support the device being measured and the test instrumentation.

(5) List of measuring equipment used.

(6) Information concerning the calibration of the measuring equipment, i.e. when the equipment was last calibrated and frequency of calibration.

(7) A statement indicating whether this facility is available to do measurement work for others on a contract basis.

(c) This information shall be kept current at all times. At least every 3 years, the organization filing the data shall advise that the data on file is current.

(d) For certification of a decoder device used for detecting the EBS Attention Signal as defined in § 73.906 this chapter will not apply.

[40 FR 10675, Mar. 7, 1975, as amended at 40 FR 34117, Aug. 14, 1975]

§ 15.41 Identification of an authorized device.

(a) Each device authorized under a Grant of Certification or a Grant of Type Approval issued under this part shall be labeled pursuant to Subpart J of Part 2 of this chapter.

(b) Additional labeling requirements are set out in the rules governing the specific device.

§ 15.44 Technical report.

Each application for certification shall include a technical report containing the following information:

(a) The full name and mailing address of the manufacturer of the device.

(b) Trade name, if any, under which the device will be marketed.

(c) Model number.

(d) List any additional model numbers and/or trade names under which the device will be marketed.

(e) For a device other than an FM or TV broadcast receiver, attach a copy of the installation and operating instructions furnished to the user. A draft copy of such instructions may be submitted with the application, provided a copy of the actual document to be furnished to the user is submitted as soon as it is available.

(f) For a device used in decoding the Emergency Broadcast System Attention Signal as defined in § 73.906 the value of the necessary voltage (RMS) or range of voltages of the attention signal to be applied to the input terminals of the decoder which will cause the desired response of the device shall be submitted to the Commission with the certification data. In the event input signals other than the attention signal (excluding signals which can in combination form the attention signal), including signals at levels outside this voltage range, will cause false responses by the device, a description of such signals and their input voltage levels which cause such false responses shall be specified in the application and appropriate warnings shall be included in the instructions furnished to the user. The susceptibility of the device to false responses and any lack of reliability in responding to the attention signal at input voltage levels within the rated voltage range may be regarded by the Commission as cause to deny certification.

[40 FR 10675, Mar. 7, 1975, as amended at 40 FR 34117, Aug. 14, 1975]

§ 15.45 Expository statement required.

Each application for certification shall be accompanied by an expository statement as follows:

(a) *FM, AM/FM or TV broadcast receiver which does not use standard IFs.* If the broadcast receiver does not use an IF of 10.7 MHz for FM reception, or an IF of 41.25/45.75 MHz for TV reception, state the IFs that are used.

(b) *Television broadcast receiver.* A statement regarding the comparable ease of tuning of UHF with respect to VHF pursuant to § 15.68.

(c) *Multiband broadcast receiver.* For a receiver that includes reception capability in communications bands in addition to the FM, AM/FM or TV broadcast bands, attach a statement indicating the tuning range of each band in the receiver, the tuning range of the oscillator in each band, the IF used for each band, and a block diagram showing the signal path and the frequency at each block.

(d) *Receiver other than a broadcast receiver.* A statement indicating the tuning range of each band, the tuning range of the oscillator in each band, the IF used for each band, and a block diagram showing the signal path and the frequency at each block.

(e) *Device other than receiver.* A block diagram showing the signal path and frequency at each block. For all devices other than a device for decoding the EBS Attention Signal as defined in § 73.906, the diagram shall also indicate the tuning range of each band in the device, the tuning range of the oscillator in each band, and the frequency of the IF amplifier for each band. The tuning range of a fixed tuned device is the range of frequencies over which it can be tuned without replacement of coils, capacitor or other circuit elements or subassemblies. Attach a statement describing how the device operates. The statement should include a circuit diagram, a description of the circuitry in the device, and a description of the antenna and ground system, if any, used with the device.

[40 FR 10675, Mar. 7, 1975, as amended at 40 FR 34118, Aug. 14, 1975]

§ 15.46 Photographs required.

(a) For a receiver attach a photograph showing the general appearance of the receiver and the controls available to the user. If this photograph does not show the required identification in sufficient detail so that the name and model number can be read, attach a second photograph giving this detail. If the device is a TV receiver and the channel readout provision is not clear on these photographs attach an additional photograph clearly showing the channel readout provision.

(b) For a device other than a receiver, attach a sufficient number of photographs to clearly show the exterior appearance, the construction, the component placement on the chassis and the chassis assembly. The exterior views shall show the overall appearance, the antenna used with the device, the controls available to the user, and the required identification label in sufficient detail so that the name and model number can be read.

(c) Photographs should be 8″ by 10″ in size. Smaller photographs may be submitted provided they are sharp and clear and show the necessary detail and are mounted on paper between 8 x 10½ and 8½ x 11 inches in size. In lieu of a photograph of the label, a sample label (or facsimile thereof) may be submitted together with a sketch showing where this label will be placed on the equipment provided the label and sketch are mounted on a sheet of paper between 8 x 10½ and 8½ x 11 inches in size.

§ 15.48 Private label device—Multiple listing of a device.

(a) When the same or essentially the same device will be marketed under more than one trade name or model number (as in the case of private label equipment), certification or type approval must be requested separately for each such additional trade name or model number.

(b) If certification for additional trade names or model number(s) is requested in the initial application, a statement shall be included describing how these additional devices differ from the basic device that was measured and stating that the report of measurements submitted for the basic device, applies also to the additional devices.

(c) If certification for additional trade name(s) or model number(s) is requested after the basic device has been certificated, the application may, in lieu of the report of measurement, be accompanied by a statement including:

(1) Name and model number of device for which measurements are on file with the Commission.

(2) Date when certification was granted for the device listed under paragraph (c)(1) of this section and the file number of such grant.

(3) Description of the difference between the device listed under paragraph (c)(1) of this section and the additional device.

(4) A statement that the report of measurements filed for the device listed under paragraph (c)(1) of this section applies also to the additional device(s).

(d) The application shall be accompanied by photographs pursuant to § 15.46.

§ 15.49 Changes in an authorized device.

(a) Changes in a type approved device may be made under § 2.967 of Part 2 of this chapter.

(b) Changes in a certificated device may be made under § 2.1043 of Part 2 of this chapter.

Subpart C—Radio Receivers

§ 15.59 Interference requirement for a CB receiver.

(a) For the purpose of this regulation, a CB receiver is defined as any receiver that operates in the Personal Radio Services on frequencies allocated for CB stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of CB stations in the Personal Radio Services. The term CB receiver includes the following:

(1) A CB receiver sold as a separate piece of equipment.

(2) The receiver section of a CB transceiver.

(3) A converter to be used with any receiver for the purpose of receiving CB transmissions.

(4) A multiband receiver that includes a band labeled "CB" or "11-meter" in which such band can be separately selected, except that an Amateur Radio receiver that was manufactured prior to January 1, 1960, and which includes an 11-meter band shall not be considered to be a CB receiver.

(b) A CB receiver model which is initially placed in production after January 1, 1977 shall be certificated pursuant to Subpart B of this part and Subpart J of Part 2 of this chapter, to meet all the requirements of this section. *Provided, however,* If the receiver is a part of a CB transceiver for which an application for type acceptance is filed on or after September 10, 1976, an application for certification of the receiver section of such transceiver must be filed simultaneously with the application for type acceptance.

(c) With the antenna terminals of the CB receiver connected to a resistor equal to the manufacturer's rated input impedance, the power at the antenna terminals at any frequency in the range 25-500 MHz shall comply with the following

(1) For a CB receiver model initially placed in production after January 1, 1977 ——————— 2.0 nanowatts.

(2) For a CB receiver model initially placed in production after January 1, 1978 ——————— 0.2 nanowatts.

(d) With the antenna terminals of the CB receiver connected to a shielded resistor equal to the manufacturer's rated input impedance, the emission on any frequency in the range 25 to 500 MHz shall not exceed 5 μV/m at a distance of 3 meters from the surface of the receiver initially placed in production after January 1, 1977. Measurements shall be made with microphone and all other options attached.

(e) If the CB receiver is intended to be connected to the power lines of a public utility, the conducted interference fed back into the power lines shall not exceed 100 μV at any frequency in the range 0.45-25 MHz. This requirement shall also apply to a battery operated CB receiver which has the capability of being connected to the power lines through a battery charger or through any type of battery eliminator.

(f) The manufacture of a CB receiver model that has not been certificated to meet all the requirements of this section shall be terminated as soon as possible but in no event later than August 1, 1977.

(g) The marketing of non-certificated CB receivers shall be terminated not later than January 1, 1978.[1]

(h) In lieu of meeting the requirements of paragraphs (c) and (d) of this section, a CB receiver which has a builtin antenna and does not have readily accessible antenna terminals, may meet a field strength limit as follows:

	(μV/m) at 3m
(1) For a CB receiver model initially placed in production after January 1, 1977	110
(2) For a CB receiver model initially placed in production after January 1, 1978	40

(Secs. 4,303,48 Stat, as amended, 1066, 1082; sec. 302, 82 Stat., 290, 47 U.S.C. 154, 302, 303)

[41 FR 32593, Aug. 4, 1976, as amended at 41 FR 47444, Oct. 29, 1976; 41 FR 49095, Nov. 8, 1976; 42 FR 8329, Feb. 9, 1977; 43 FR 25123, June 9, 1978]

§ 15.61 Scope of this subpart.

Radio receivers come within the scope of this subpart insofar as they are restricted radiation devices and generate and radiate radio frequency energy or are designed to receive television pictures broadcast simultaneously with sound. Typically this subpart limits oscillator radiation from superheterodyne receivers. In the case of television broadcast receivers, this subpart also limits the radiation of radio frequency energy which is generated by the sweep circuits, and requires that such receivers be capable of adequately receiving all television broadcast channels.

(Secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

§ 15.63 Radiation interference limits.

(a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 MHz, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date specified in § 15.72 shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (MHz)	*Field strength (μV/m)*
0.45 up to and including 25	See paragraph (b).
Over 25 up to and including 70	32.
Over 70 up to and including 130	50.

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[1] For a Notice document relating to § 15.59(g), see 42 FR 55849, Oct. 19, 1977.

Frequency of radiation (MHz)	*Field strength (µV/m)*
130–174	50–150 (linear interpolation).
174–260	150.
260–470	150–500 (linear interpolation).
470–1000	500 (see paragraph (c) below).

(b) Pending the development of suitable measurement techniques for measuring the actual radiation in the band 0.45 to 25 MHz, the interference capabilities of a receiver in this band will be determined by the measurement of radiofrequency voltage between each powerline and ground at the power terminals of the receiver. This requirement applies only to radio receivers intended to be connected to powerlines of public utility systems. For television broadcast receivers the voltage so measured shall not exceed 100 µV at any frequency between 450 kHz and 25 MHz inclusive. For all other receivers the voltage shall not exceed 100 µV at any frequency between 450 kHz and 9 MHz inclusive, 1,000 µV for frequencies between 10 MHz and 25 MHz and linear increase from 100 µV to 1,000 µV for frequencies between 9 MHz and 10 MHz.

(c) For television broadcast receivers the limit in the band 470-1000 MHz shall be 350 µV/m, compliance being determined as follows:

(1) Measurements shall be made at the following 10 frequencies in the band 470-1000 MHz.

MHz	*MHz*	*MHz*
520	700	850
550	750	900
600	800	931
650		

NOTE: If measurements cannot be made on one or more of the frequencies listed because of the presence of signals from licensed radio stations, measurements should be made on a nearby frequency. The report should indicate the actual frequency(ies) on which measurements were made.

(2) The average of the 10 measurements shall not exceed 350 µV/m.

(3) No measurement shall exceed 750 µV/m.

(d) Notwithstanding the provisions of paragraph (a) of this section and subject to the prohibition against emissions on the frequencies listed in § 15.215(c), the level of emission of RF energy from the receiver used with a radio control for a door opener shall not exceed the values listed below when measured in accordance with the procedures laid down in FCC Technical Division Report, T-7001, dated October 1, 1970.

Frequency (MHz)	*Field strength at 100 ft. (µV/m)*
Over 25 up to and including 70	32.
Over 70 up to and including 200	50.
200–1,500	50–500 (linear variation).
Over 1,500	500.

[35 FR 2407, Feb. 3, 1970, and 35 FR 5619, Apr. 7, 1970, as amended at 36 FR 6505, Apr. 6, 1971]

§ 15.65 All-channel television broadcast reception: General requirement; and antennas.

(a) All television broadcast receivers manufactured after April 30, 1964, and shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service. A television broadcast receiver is capable of adequately receiving all channels if it meets the requirements of §§ 15.65(b), 15.66, 15.67, and 15.68 in effect on the day of manufacture.

(b) Television receivers manufactured on or after July 15, 1978 which have an antenna affixed to the VHF antenna terminals must also have an antenna designed for and capable of receiving all UFH television channels affixed to the UHF antenna terminals. If a VHF anntenna is provided with, but not affixed to, a receiver manufactured after July 15, 1978, a UHF antenna shall also be provided with the receiver.

(Secs. 330, 2, 76 Stat. 151 (47 U.S.C. 330))

[35 FR 2666, Feb. 6, 1970, as amended at 42 FR 1232, Jan. 6, 1977; 42 FR 20473, Apr. 20, 1977; 43 FR 36103, Aug. 15, 1978]

§ 15.66 All-channel television broadcast reception: Noise figure.

(a) *Noise figure.* The noise figure for any television channel 14 to 83 inclusive shall not exceed the value shown in the table in this paragraph. A television receiver model is considered to comply with the noise figure of x dB if the maximum noise figure for channels 14-83 inclusive of 97.5 percent of all receivers within that model does not exceed x dB.

For receivers manufactured between—	Certification filed	UHF noise figure
May 1, 1964, and Sept. 30, 1981, inclusive	On or before Sept. 30, 1979	18
	On or after Oct. 1, 1979 [1]	14
Oct. 1, 1981, and Sept. 30, 1984, inclusive	On or before Sept. 30, 1982	14
	On or after Oct. 1, 1982 [2] [3]	12
On or after Oct. 1, 1984	On or after Oct. 1, 1984 [3]	12

[1] Models submitted for certification pursuant to § 15.48(c)—Private label device; Multiple listing of a device—may continue to meet a UHF noise figure of 18 dB. Manufacture of such models must terminate on Sept. 30, 1981. S8018

[2] Models submitted for certification pursuant to § 15.48(c)—Private label device; Multiple listing of device—may continue to meet a UHF noise figure of 14 dB. Manufacture of such models must terminate on Sept. 30, 1984. S8018

[3] See par. 34 of the report and order in Docket 21010.

(b) *Data required for certification on or after October 1, 1979.* (1) Measurements of the noise figure of a number of UHF channels of the test sample shall be submitted to give reasonable assurance that the UHF noise figure for each channel of the test sample is less than the value specified in (a) of this section.

(2) A statement explaining the basis on which the applicant will rely to insure that at least 97.5 percent of all production units of the test sample that are manufactured have a noise figure not exceeding the noise figure specified in (a) of this section.

(c) *Followup proof of performance required for a TV reciever certificated on or after October 1, 1979.* Each year after certification has been granted for a specific model, the grantee shall file a report giving the actual UHF noise figure performance of the units of that model as actually measured during that year.

(d) In the case of a TV tuner built-in as part of a video tape recorder which uses a power splitter between the antenna terminals of the video tape recorder and the input terminals of the TV tuner 4 dB may be subtracted from the noise figure measured at the antenna terminals of the video tape recorder for determining compliance of such built-in TV tuner with the noise figure limits in paragraph (a) of this section.

(Sec. 330, 2, 76 Stat. 151; 47 U.S.C. 330)

[43 FR 36103, Aug. 15, 1978, as amended at 43 FR 54097, Nov. 20, 1978; 44 FR 66822, Nov. 21, 1979]

§ 15.67 All-channel television broadcast reception: Peak picture sensitivity.

Television broadcast receivers manufactured after April 30, 1964, shall comply with the following specifications:

(a) [Reserved]

(b) The peak picture sensitivity of a television broadcast receiver manufactured after April 30, 1964, averaged for all channels between 14 and 83 inclusive, shall not be more than 8 dB larger than the peak picture sensitivity of that receiver averaged for all channels between 2 and 13 inclusive.

(Sec. 330, 2, 76 Stat. 151; 47 U.S.C. 330)

[35 FR 2666, Feb. 6, 1970, as amended at 43 FR 36103, Aug. 15, 1978]

§ 15.68 All-channel television broadcast reception: Receivers manufactured on or after July 1, 1971.

(a) [Reserved]

(b) *Receiver requirements.* On a given receiver (after any initial adjustment of a detent mechanism required to receive UHF channels), use of the UHF and VHF tuning systems shall provide approximately the same degree of tuning accuracy with approximately the same expenditure of time and effort.

(1) *Basic tuning mechanism.* If any television receiver is equipped to provide for repeated access to VHF television channels at discrete tuning positions, that receiver shall be equipped to provide for repeated access to a minimum of six UHF television channels at discrete tuning positions. Unless a discrete tuning position is

provided for each channel allocated to UHF television, each position shall be readily adjustable to a particular UHF channel by the user without the use of tools. If 12 or fewer discrete tuning positions are provided, each position shall be adjustable to receive any channel allocated to UHF television.

NOTE: The combination of detented rotary switch and pushbutton controls is acceptable, provided UHF channels, after their initial selection, can be accurately tuned with an expenditure of time and effort approximately the same as that used in accurately tuning VHF channels. A UHF tuning system comprising five pushbuttons and a separate manual tuning knob is considered to provide repeated access to six channels at discrete tuning positions. A one-knob (VHF-UHF) tuning system providing repeated access to 11 or more discrete tuning positions is also acceptable, provided each of the tuning positions is readily adjustable, without use of tools, to receive any UHF channel.

(2) *Tuning aids.* If equipment and controls which tend to simplify, expedite or perfect the reception of television signals (e.g., AFC, visual aids, remote control, or signal seeking capability, referred to generally as tuning aids) are incorporated into the design of a television broadcast receiver, tuning aids of the same type and of comparable capability and quality shall be provided for tuning both the VHF television channels and the UHF television channels.

(3) *Tuning controls and channel read-out.* UHF tuning controls and channel read-out on a given receiver shall be comparable in size, location, accessibility and legibility to VHF tuning controls and readout on that receiver. If any television receiver utilizes continuous UHF tuning for any function (e.g., as the basic tuning mode, for presetting a detent mechanism for repeated access at discrete tuning positions, or for tuning a channel which cannot be assigned a discrete tuning position), that receiver shall be equipped to display the approximate UHF television channel the tuner has been positioned to receive. If any television receiver is equipped to provide repeated access to UHF television channels at discrete tuning positions, the manufacturer shall provide for the display of the precise UHF channel selected or shall provide to the user a means of identifying the precise channel selected without the use of tools: *Provided, however,* That the 70 UHF channel numbers may be displayed in groups of three or less at each of 24 settings, if

(i) The tuning mechanism uses a single control to select the VHF and UHF channels;

(ii) Any one of the three channels simultaneously displayed can be precisely tuned to the correct frequency; and

(iii) The reset accuracy (with AFC, if provided) is sufficient to eliminate the need for routine fine tuning.

(c) [Reserved]

(d) *Use of a 70-position nonmemory UHF detent tuning system.* (1) Numerical readout shall be provided for each of the 70 UHF channels or, if all of the VHF and UHF channel numbers displayed are at all times visible on the face of the receiver, numerical readout shall be provided for at least every other UHF channel, with marks to indicate those channels not displayed numerically.

(2) [Reserved]

(3) On or after July 1, 1975, a 70-position nonmemory UHF detent tuning system may be used to meet the requirements of this section provided the channel selection mechanism shall be capable of positioning the tuner to receive each UHF channel at its designated detent position, with maximum deviation from correct frequency on any detent setting not exceeding ±2MHz, when approached from either direction of rotation.

NOTE: The provisions of paragraph (d)(3) relating to tuning systems were waived. For explanation see 40 FR 15882, Apr. 8, 1975.

(4) On or after July 1, 1977, a 70-position non-memory UHF detent tuning system may be used to meet the requirements of this section, providing one of the following conditions is met:

(i) *For any television receiver (monochrome or color).* (*a*) The receiver is provided with AFC and a UHF channel selection mechanism capable of positioning the tuner to receive each UHF channel at its designated detent position, when approached from either direction of rotation, such that the average of all deviations from correct frequency shall not exceed 0.75 MHz and no individual channel deviation shall exceed 2.0 MHz as measured by Bulletin OCE 30.

(*b*) The receiver is provided with AFC and a channel selection mechanism capable of positioning the tuner within the pull-in range of AFC, when approached from either direction of rotation.

(*c*) The receiver is provided with any other tuning system that produces and maintains detented tuning accuracy of the same order as the above specified systems.

(ii) *For monochrome receivers only.* The receiver is provided with a UHF channel mechanism capable of positioning the tuner to receive each UHF channel at its designated detent position, when approached from either direction of rotation, such that the average of all deviations from correct frequency shall not exceed 0.75 MHz and no individual channel deviation shall exceed 2.0 MHz as measured by Bulletin OCE 30.

(Sec. 330, 76 Stat. 151; 47 U.S.C. 330)

[35 FR 10772, July 2, 1970, as amended at 37 FR 19373, Sept. 20, 1972; 38 FR 12744, May 15, 1973; 38 FR 29813, Oct. 29, 1973; 41 FR 52461, Nov. 30, 1976; 42 FR 3308, Jan. 18, 1977]

§ 15.69 Certification of receivers.

Every receiver that operates in the range 30-890 MHz shall be certificated pursuant to the procedures in Subpart B of this part to show that the receiver complies with the technical specifications in this subpart.

[40 FR 10676, Mar. 7, 1975]

§ 15.70 Comparability of tuning information to be submitted pursuant to § 15.45(b).

In the case of a television receiver designed to meet the requirements of § 15.68, the information required by § 15.45(b) shall include the following:

(a) A description of the basic mechanism for tuning the VHF and the UHF channels.

(b) A description of the tuning aids provided in the receivers.

(c) If the receiver uses a 70-position UHF detent tuner, measurements showing the tuning accuracy achieved. Measurements shall be made in accordance with the procedure set out in FCC Bulletin OCE 30 available from the Commission.

(d) A statement certifying that the receiver meets the requirement of § 15.68.

[40 FR 10676, Mar. 7, 1975]

§ 15.71 Identification of certificated receiver.

Each certificated receiver shall be identified pursuant to §§ 2.925 and 2.1045 of this chapter.

[44 FR 17180, Mar. 21, 1979]

§ 15.72 Date when certification is required.

(a) *For television broadcast receivers.* (1) VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements with respect to radiation of radiofrequency energy, except that compliance with the powerline interference limits for frequencies between 3 MHz and 25 MHz is required for such receivers manufactured after December 31, 1957.

(2) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to radiation of radio frequency energy.

(3) Except as provided in § 15.66, all television broadcast receivers manufactured after April 30, 1964, shall comply with the certification requirement with respect to adequacy of all-channel reception.

(b) *For other receivers.* All radio receivers other than television broadcast receivers that operate (tune) in the range 30 to 890 MHz manufactured after October 1, 1956, shall comply with the certification requirements with respect to radiation of radiofrequency energy, except as follows:

(1) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 MHz. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.

(2) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type super-regenerative receivers used in the one-way signalling services as defined in Part 21 of this chapter which are manufactured after December 31, 1956.

(Interpret or apply secs. 1, 2, 76 Stat. 150, 151; 47 U.S.C. 303(s), 330)

[28 FR 12521, Nov. 22, 1963, as amended at 29 FR 2558, Feb. 19, 1964; 35 FR 5619, Apr. 7, 1970]

§ 15.75 Measurement procedure.

(a) Any measurement procedure acceptable to the Commission may be used to show compliance with the requirements of this subpart. A detailed description of the proposed measurement procedure, including a list of the test equipment to be used, shall be submitted to the Commission when requesting a determination regarding the acceptability of the proposed measurement procedure.

(b) The following methods of measurement are considered acceptable procedures for certification of receivers pursuant to § 15.69:

(1) Institute of Electrical and Electronics Engineers Standard 187 (formerly 51 IRE 17S1) for radiation measurements.

(2) Institute of Electrical and Electronics Engineers Standard 213 (formerly 61 IRE 27S1) for conducted interference measurement from frequency modulated and television broadcast receivers in the range 300 kHz to 25 MHz.

(3) Institute of Electrical and Electronics Engineers Standard 190 (formerly 60 IRE 17S1) for measurement of noise figure and peak picture sensitivity of a television broadcast receiver.

(4) International Electrotechnical Commission Publication No. 106 (1959) and Supplement 106A (1962) for measurement of radiated interference from broadcast receivers. (A conversion factor of 0.1 (–20 dB) shall be applied to the measured values for comparison with the limits of § 15.63.)

NOTE: This publication and supplement may be purchased from the American National Standards Institute (formerly United States of America Standards Institute), 1430 Broadway, New York, N.Y. 10018.

(5) Electronics Industries Association Standard RS-378, dated August 1970, entitled, "Measurement of Spurious Radiation from FM and TV Broadcast Receivers in the Frequency Range of 100 to 1000 MHz—Using the EIA-Laurel Broad-Band Antenna."

(c) In the case of measurements in the field, radiation in excess of 15 μV/mat any any frequency between 450 kHz and 25 MHz at the border of the property and more than 15 feet from any powerline crossing this border under the control and exclusive use of the person operating or authorizing the operation of the receiver will be considered an indication of noncompliance with the radiation requirements of this subpart.

[28 FR 12521, Nov. 22, 1963, as amended at 30 FR 578, Jan. 16, 1965; 35 FR 5619, Apr. 7, 1970; 36 FR 5294, Mar. 19, 1971]

§ 15.76 Report of measurements: FM broadcast receiver.

The report of measurements for an FM broadcast receiver or the FM broadcast band in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the applicant for certification (if different), the trade name (if any), the model number and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements of the level of radiated RF energy with the receiver tuned to three points, one near the top, one near the middle and one near the bottom of the tuning range 88-108 MHz. The report shall show the frequency to which the receiver was tuned and for each, the frequency and amplitude of each emission detected that is within 20 dB of the limits in § 15.63(a). The report shall also state that the spectrum was checked from 25 to 1000 MHz for each frequency to which the receiver was tuned and that all emissions not reported were more than 20 dB below the permitted level.

(d) Measurement of the level of conducted RF energy fed back into the power line, if the receiver is operated from the power lines of a public utility system. The report shall show the frequency to which the receiver was tuned and shall state the level of conducted RF energy at 10.7 and 21.4 MHz and the frequency and amplitude of any other emission detected that is within 20 dB of the limits in § 15.63(b). The report shall also state that the spectrum was checked from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the permitted level.

NOTE: A report of measurements on an industry standardized reporting form will be accepted as meeting the requirements of this section. One such form will be found in EIA Consumer Products Engineering Bulletin No. 4 available from Electronic Industries Association, 2001 Eye Street NW., Washington, D.C. 20006.

[40 FR 10676, Mar. 7, 1975]

§ 15.77 Report of measurements: TV receiver.

The report of measurements for a TV broadcast receiver or the TV band in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the name of the applicant for certification (if different), the trade name (if any), the model number, and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements of the level of radiated RF energy with the receiver tuned to each VHF channel and to the ten oscillator frequencies in the UHF band listed in § 15.63(c). The report shall state the level of radiation at the oscillator fundamental for each VHF channel and that at the fundamental of the ten UHF oscillator frequencies. The report shall also state that the second harmonic radiation of each of the VHF oscillator frequencies had been checked and shall indicate the frequency and amplitude of the highest such second harmonic. The report shall indicate the average of the amplitudes of the ten UHF oscillator frequencies.

(d) Measurement of the level of conducted RF energy fed back into the power line, if the receiver is operated from the power lines of a public utility system. The report shall include the level of conducted RF energy at 3.58 MHz, 4.5 MHz, 7.16 MHz and 9.0 MHz and the frequency and amplitude of any other emission detected that is within 20 dB of the limits in § 15.63(b). The report shall also state that the spectrum was searched from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the permitted level.

NOTE: A report of measurements on an industry standardized reporting form will be accepted as meeting the requirements of this section. One such form will be found in EIA Consumer Products Engineering Bulletin No. 4 available from Electronic Industries Association, 2001 Eye St. NW., Washington, D.C. 20006.

(e) In lieu of the point by point measurements required by paragraph (d) of this section, the applicant may submit a photograph of a spectrum analyzer display covering the band 0.45 to 25 MHz. Such a photograph must show a frequency scale at the bottom and a scale calibrated in microvolts (or in dB provided the value of 0 dB is stated) at the left side. A statement accompanying the photograph shall indicate the sweep rate and the bandwidth of the analyzer.

[40 FR 10677, Mar. 7, 1975]

§ 15.78 Report of measurements: Multiband broadcast receiver.

The report of measurements for a multiband broadcast receiver, i.e. a receiver that includes reception capability in communication bands as well as in one or more broadcast bands, shall include the following:

(a) If the receiver includes reception capability in the FM broadcast band, a report of measurements pursuant to § 15.76.

(b) If the receiver includes reception capability of TV channels, a report of measurements pursuant to § 15.77.

(c) For each communication band, a report of measurements pursuant to § 15.79.

[40 FR 10677, Mar. 7, 1975]

§ 15.79 Report of measurements: Receivers other than FM or TV.

The report of measurements for a receiver other than a FM or TV broadcast receiver and for each band in the range 30-890 MHz in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the name of the applicant for certification (if different), the trade name (if any), the model number and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements shall be reported separately for each band to which the receiver can be tuned. The number of bands shall be determined by the marking on the tuning dial regardless of the actual construction, i.e. if the receiver includes a band which actually tunes from A to B, but the dial shows this as two separate bands A-C and C-B, a separate report of measurements shall be required for each of the bands A-C and C-B.

(d) Measurement of the level of radiated RF energy with the receiver tuned to at least the minimum number of frequencies in each band specified in the following schedule.

Width of tuning range of each band	No. of freq.	Location in turning range
MHz	1	Middle.
1 to 10 MHz	2	One near top. One near bottom.
Over 10 MHz	3	One near top. One near middle. One near bottom.

(e) Measurements of radiated RF energy shall be reported in tabular form as follows:

Frequency to which tuned (megahertz)	Frequency of the emission (megahertz)	Distance at which measured	Meter reading (note 1)	Note 2	Note 2	Field strength microvolts per meter—meters (note 3)

Note 1.—Specify units (microvolts per meter, decibel, etc.).

Note 2.—Indicate the constants or factors used to convert the meter reading to field strength at the distance specified in the rules. Indicate the units for each constant.

Note 3.—Specify the distance in meters.

(f) For each frequency to which the receiver is tuned, the report shall list the frequency and amplitude of each emission whose amplitude is within 20 dB of the limits in § 15.63(a). In addition, the report shall state that for each frequency to which the receiver was tuned, the spectrum was searched from 25 to 1000 MHz and that all emissions not reported were more than 20 dB below the limits in § 15.63(a).

NOTE: If measurements are made with the receiver tuned to a frequency above 550 MHz, the spectrum shall also be searched above 1000 MHz, at least up to the second harmonic of the oscillator frequency.

(g) Conducted measurements shall be reported as follows:

(1) At the IF and harmonics thereof in the range 0.45 to 25 MHz.

(2) All other emissions within 20 dB of the limits in § 15.63(b).

(3) A statement that the spectrum was searched from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the limits in § 15.63(b).

[40 FR 10677, Mar. 7, 1975]

§ 15.81 Operation of radio receivers aboard a ship.

In addition to meeting the requirements of this part, a radio receiver operated aboard a ship shall also meet the requirements of Part 83 of this chapter.

§ 15.82 Interference from a radio receiver.

The operator of a radio receiver, regardless of tuning range, date of manufacture, or of certification, which causes harmful interference shall promptly take steps to eliminate the harmful interference.

Subpart D—Low Power Communication Devices: General Requirements

Source: 40 FR 10677, Mar. 7, 1975, unless otherwise noted.

§ 15.101 Introduction.

A low power communication device may be operated pursuant to the provisions in this subpart or pursuant to the separate provisions for the specific device in Subpart E of this part.

§ 15.102 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to the operation of all low power communication devices.

§ 15.103 Interference.

Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been limited.

§ 15.104 Eavesdropping prohibited.

As provided in § 15.11, the use of a low power communication device for eavesdropping is prohibited.

§ 15.105 Class B emission prohibited.

Operation of a low power communication device that produces Class B emissions (damped waves) is prohibited.

§ 15.111 Operation below 1600 kHz.

A low power communication device may be operated on any frequency between 10 and 490 kHz or between 510 and 1600 kHz subject to the condition that the emission of RF energy on the fundamental frequency or any harmonic or other spurious frequency does not exceed the field strength in the following table.

Frequency (kHz)	Distance (meters)	Field strength (μV/m)
10-490	300	2400 F(kHz)
510-1600	30	24000 F(kHz)

[40 FR 21030, May 15, 1975]

§ 15.112 Alternative provisions for operation between 160 and 190 kHz.

In lieu of meeting the requirements of § 15.111, a low power communication device may operate on any frequency in the band 160-190 kHz provided it meets all the following conditions:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kHz or above 190 kHz are suppressed 20 dB below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 15 meters.

§ 15.113 Alternative provisions for operation between 510 and 1600 kHz.

In lieu of meeting the requirements of § 15.111, a low power communication device may operate on any frequency in the band 510-1600 kHz provided it meets all the following conditions.

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kHz or above 1600 kHz are suppressed 20 dB or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna, plus the ground lead (if used) does not exceed 3 meters.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kHz to 1600 kHz. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

§ 15.114 Interim requirements for cordless telephone terminal devices operating between 26.97–27.2 MHz.

A low power communication device used as a cordless telephone terminal device that complies with all the requirements of paragraphs (a) through (i) may be operated until January 1, 1986. Manufacture, importation and marketing of such a device shall cease January 1, 1980, April 1, 1980 and January 1, 1981, respectively.

(a) The device may only be used as a cordless telephone terminal device.

(b) The device shall operate on one or more of the following frequencies:

26.995 MHz
27.045 MHz
27.095 MHz
27.145 MHz
27.195 MHz
27.255 MHz

(c) Frequency tolerance of carrier: ±0.01%. This tolerance shall be maintained for a temperature variation of −20° to +50°C at normal supply voltage and for a variation in the primary supply from 85% to 115% of the rated supply voltage at a temperature of 20°C.

(d) The authorized band shall be 20 kHz centered on the frequencies listed in paragraph (b) of this section.

(e) Emissions within the authorized band shall not exceed 50,000 μV/m when measured at 3 meters in accordance with a procedure approved by the Commission.

(f) Emissions between 10 kHz and 50 kHz from the carrier frequency shall not exceed 1000 μV/m at 3 meters.

(g) Emissions greater than 50 kHz from the carrier frequency shall not exceed 300 μV/m at 3 meters. The spectrum shall be scanned from 10 kHz to 1000 MHz and all emissions from the device exceeding 30 μV/m at 3 meters shall be reported.

(h) If the device is designed to operate from commercial power lines, the RF energy fed back into the power lines shall not exceed 100 microvolts on any frequency below 25 MHz when measured in accordance with the procedure in IEEE Standard 213 (See § 15.75 of this Part).

(i) The device shall be registered pursuant to the procedures in subpart L of Part 2 of this Chapter demonstrating that the device complies with the requirements in Part 68 of this Chapter.

(Sec. 302, 82 Stat. 290; 47 U.S.C. 302)

[42 FR 4463, Jan. 25, 1977; 42 FR 9021, Feb. 14, 1977]

§ 15.115 Interim requirements for operation between 26.97–27.27 MHz.

A low power communications device complying with all the provisions of paragraphs (a) through (d) of this section may be operated until September 18, 1983. Manufacture and importation of such a device shall cease September 18, 1977 and October 18, 1977, respectively. Applications for certification of such a device will not be accepted by the Commission after June 18, 1977. Marketing of such a device shall be terminated not later than December 31, 1978.

(a) The carrier of the device shall be maintained within the band 26.97–27.27 MHz.

(b) All emissions, including modulation products, below 26.97 MHz or above 27.27 MHz shall be suppressed 20dB or more below the level of the unmodulated carrier.

(c) The DC power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 1.5m (=5 feet) in length.

[41 FR 7398, Feb. 18, 1976, as amended at 42 FR 4463, Jan. 25, 1977; 43 FR 14657, Apr. 7, 1978]

§ 15.116 Operation of a non-voice device between 26.99–27.26 MHz.

A low power communication device may be operated in the band 26.99–27.26 MHz provided it meets all of the following requirements:

(a) The device may *not* be used for voice communications (F3 or A3), or for CW communications (A1).

(b) The device shall operate on one or more of the following frequencies:

26.995 MHz
27.045 MHz
27.095 MHz
27.145 MHz
27.195 MHz
27.255 MHz

(c) Frequency tolerance of carrier: ±0.01%. This tolerance shall be maintained for a temperature variation of −20° to +50° C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20° C.

(d) Emission shall be confined within a 20 kHz band centered on the carrier frequency.

(e) The emission of RF energy on the carrier frequency shall not exceed $10,000 μV/m measured at 3 meters.

(f) The out-of-band emissions, including harmonics, on any frequency more than 10 kHz removed from the carrier shall not exceed 500 μV/m measured at 3 meters. The spectrum shall be scanned from 10 to 1000 MHz and all signals exceeding 50 μV/mat 3 meters shall be reported.

(g) If the device is designed to operate from public utility lines, the RF energy fed back into the power lines shall not exceed 100 microvolts on any frequency below 25 MHz.

[41 FR 7398, Feb. 18, 1976; 41 FR 9346, Mar. 4, 1976]

§ 15.117 Operation between 49.82–49.90 MHz.

A low power communication device may be operated on one or more of the permitted frequencies listed in this section without any restriction on the type of modulation provided it complies with all the technical specifications of § 15.118 or § 15.119.

Permitted frequencies of operation:

49.830 MHz
49.845 MHz
49.860 MHz
49.875 MHz
49.890 MHz

[41 FR 7398, Feb. 18, 1976]

§ 15.118 Technical specification for the band 49.82–49.90 MHz.

A low power communication device that is marketed or that is home built in a quantity greater than 5 and is not marketed, must meet all the technical specifications in this section.

(a) Frequency tolerance of carrier: ±0.01%. This tolerance shall be maintained for a temperature variation of −20° to +50° C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20° C.

(b) Emission shall be confined within a 20 kHz band centered on the carrier frequency.

(c) The emission of RF energy on the carrier frequency shall not exceed 10,000 μV/m measured at 3 meters.

(d) The out-of-band emissions, including harmonics, on any frequency more than 10 kHz removed from the carrier shall not exceed 500 μV/m measured at 3 meters. The spectrum shall be scanned from 25 to 1000 MHz and all signals exceeding 50 μV/mat 3 meters shall be reported.

(e) The device shall, with the exception of the microphone, be completely self-contained with the antenna permanently attached to the enclosure containing the device. The microphone may be external to the device, provided it is permanently attached to the enclosure with a cable not longer than 1.5 meters.

(f) If the device is designed to operate from public utility lines, the RF energy fed back into the power lines shall not exceed 100 microvolts on any frequency below 25 MHz.

[41 FR 7398, Feb. 18, 1976; 41 FR 9346, Mar. 4, 1976, as amended at 42 FR 4464, Jan. 25, 1977]

§ 15.119 Alternative technical specifications for the band 49.82–49.90 MHz.

A low power communication device which is home built in a quantity of 5 or less and which is not marketed may be operated in the band 49.82–49.90 MHz provided it meets all the following technical specifications.

(a) The RF carrier and modulation products shall be maintained within the band 49.82–49.90.

(b) The power input to the device measured at the battery or the power line terminals shall not exceed 100 milliwatts under my condition of modulation.

(c) The antenna shall be a single element 1 meter or less in length permanently mounted on the enclosure containing the device.

(d) The device shall, with the exception of the microphone, be completely self-contained with the antenna permanently attached to the enclosure containing the device. The microphone may be external to the device, provided it is permanently attached to the enclosure with a cable not longer than 1.5 meters.

(e) Harmonic emissions shall be suppressed at least 20 dB below the level of the unmodulated carrier.

[41 FR 7398, Feb. 18, 1976, as amended at 42 FR 4464, Jan. 25, 1977]

§ 15.120 Operation above 70 MHz.

A low power communication device may be operated on any frequency above 70 MHz, subject to the following conditions:

(a) The emission of RF energy on the fundamental frequency or any harmonic or other spurious frequency shall not exceed the field strength in the following table:

Frequency (MHz)	*Field strength ($\mu V/m$ at 30 m)*
70 to 130	50.
130 to 174	50 to 150 (linear interpolation).
174 to 260	150.
260 to 470	150 to 500 (linear interpolation).
470 and above	500.

(b) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than 1 second and the silent period between transmissions shall not be less than 30 seconds.

(c) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section.

[40 FR 10677, Mar. 7, 1975. Redesignated at 41 FR 7398, Feb. 18, 1976]

§ 15.131 Certification required for devices that are marketed or built in a quantity greater than 5 and not marketed.

(a) A low power communication device manufactured between December 31, 1957 and October 1, 1975 which is marketed or which is built in a quantity greater than 5 and not marketed, shall be self-certificated pursuant to the provisions of §§ 15.135-15.136.

(b) A low power communication device manufactured after October 1, 1975 which is marketed or built in a quantity greater than 5 and not marketed shall be certificated pursuant to Subpart B of this part.

[41 FR 7398, Feb. 18, 1976]

§ 15.132 Labelling and identification requirements.

(a) A device subject to certification by the Commission for which an application is received on and after May 1, 1981, shall be identified pursuant to §§ 2.925 and 2.1045. In addition, the nameplate or label shall contain the following statement:

> This device complies with Part 15 of FCC Rules. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2) This device must accept any interference that may cause undesired operation.

(b) A device subject to certification by the Commission for which an application is filed between April 1, 1976 and May 1, 1981, shall have permanently and visibly affixed an identification label containing information shown on the sample below.

FCC IDENTIFICATION DATA

Name ———————————————

Model No.

Unique identifier ——————————

"This device complies with FCC Rules Part 15 as of date of manufacture."

Date of manufacture ————————

(1) *Name.* This shall include the trade name, if any, and the name and address of the manufacturer or of the vendor provided the name of the latter was included in the application for certification.

(2) *Identifier.* This is the model number assigned to the device by the manufacturer or applicant for certification and must be identical to that shown on the application for certification. This identifier must be preceded by the words "MODEL NO."

(3) *Date.* This is the month and year when the device was manufactured. If desired, this may be coded, provided the code therefor is filed with the application for certification.

(c) A device subject to certification by the Commission for which an application was filed before April 1, 1976 may be identified in any manner: *Provided,* The name, number and date required by paragraph (b) of this section are clearly identifiable and distinct from any other number or designator on the device.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[44 FR 17180, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 15.133 Certification and identification required for home built device.

A person who constructs not more than five low power communication devices for his own use, and not for sale, need not meet the requirements of § 15.131 and § 15.132. In lieu thereof, he shall attach to each such device a signed and dated label that reads as follows:

> I have constructed this device for my own use. I have tested it and certify that it complies with the applicable regulations of FCC Rules Part 15. A copy of my measurements is in my possession and is available for inspection.
>
> ________________
> (Signature)
>
> ________________
> (Date)

§ 15.135 Certification procedure: Device manufactured between December 31, 1957 and April 1, 1975.

A low power communication device manufactured between December 31, 1957 and October 1, 1975 shall be self-certificated as follows.

(a) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(b) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(c) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(d) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.

(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

[40 FR 10677, Mar. 7, 1975, as amended at 40 FR 24525, June 9, 1975]

§ 15.136 Location of certificate on devices manufactured between December 31, 1957 and October 1, 1975.

The certificate shall be permanently attached to the device and shall be readily visible for inspection.

[40 FR 10677, Mar. 7, 1975, as amended at 40 FR 24525, June 9, 1975]

§ 15.141 Measurement procedure.

(a) Any procedure acceptable to the Commission may be used to measure the RF energy emitted by a lower power communication device.

(b) The procedure used at the FCC Laboratory for type approval testing of a wireless microphone operating in the band 88-108 MHz is given in FCC Bulletin OCE 19 available from the Commission.

(c) The procedure for measuring the radiation of RF energy from the transmitter and receiver parts of a radio control for a door opener is set out in FCC Technical Report T-7001 available from the Commission.

§ 15.142 Range of measurements.

Measurements of radiated energy from a low power communications device shall be made over the frequency range listed below.

Frequency band in which the device operates	Range of frequency measurements	
	Lowest frequency	Highest frequency
Below 1600 kHz	10 kHz	20 MHz.
26.97 to 27.27 MHz	Lowest frequency generated in the device	400 MHz.
49.82 to 49.90 MHz	Lowest frequency generated in the device or 25 MHz, whichever is lower	1000 MHz.
70 to 108 MHz	do	1000 MHz.
108 to 500 MHz	do	2000 MHz.
500 to 1000 MHz	Lowest frequency generated in the device or 100 MHz whichever is lower	5000 MHz.

[41 FR 7398, Feb. 18, 1976]

§ 15.143 Report of measurements.

The report of measurements for a low power communication device operating under the provisions of this subpart manufactured after October 1, 1975 shall include the following:

(a) Specific identification of the device that was measured including name and address of manufacturer, the name of the applicant for certification, if different, the trade name if any, the model number, and serial number, if any.

(b) A detailed description of the measurement procedure that was used. If a published standard was used, reference to the standard is sufficient. If the standard was not followed in every detail, describe how the actual procedure used differed from that in the standard.

(c) Date the measurements were made.

(d) Location where the measurements were made.

NOTE: A description of this measurement facility must be filed under § 15.38.

(e) Measurements shall be reported separately for each band in which the device can be operated with the device operating at the number of frequencies in each band specified in the following schedule.

Frequency range over which device operates	No. of freq.	Location in the range of operation
1 MHz	1	Middle.
1 to 10 MHz	2	One near top. One near bottom.
Over 10 MHz	3	One near top. One near middle. One near bottom.

(f) Measurements of radiated RF energy shall be reported in the following format:

Frequency to which tuned (megahertz)	Frequency of the emission (megahertz)	Distance at which measured	Meter reading (note 1)	Note 2	Note 2	Field strength microvolts per meter at—meters (note 3)

NOTE 1: Specify units (microvolts per meter, dB, etc.)

NOTE 2: Indicate the constants or factors used to convert the meter reading to field strength at the distance specified in the rules. Indicate the units for each constant.

NOTE 3: Specify the distance in meters.

(g) Mean RF power output of the device.

(h) Input power measured at the battery terminals if battery powered or at power supply terminals if AC/DC line operated.

(i) If the applicable regulation limits the power input, submit measurements showing the variation of the power input with variation of battery or supply voltage between 85 and 115 percent of the nominal rated supply voltage.

(j) If the applicable regulation limits the level of radiated signal, submit measurements of radiation over the frequency range specified in § 15.142. In addition, submit measurements to show the variation of radiation level on the fundamental with variation of supply voltage between 85 and 115 percent of the nominal rated supply voltage.

(k) The report shall be personally signed by the engineer taking responsibility for the accuracy of the measurements who shall certify to the accuracy of the measurements. If an employee of the applicant, the report shall so state. If employed by an engineering firm or laboratory, the report shall indicate the name and address of such firm. If self-employed, the report shall include the address of the engineer.

[40 FR 10677, Mar. 3, 1975, as amended at 40 FR 24525, June 9, 1975]

Subpart E—Low Power Communication Devices: Specific Devices

SOURCE: 40 FR 10679, Mar. 7, 1975, unless otherwise noted.

§ 15.151 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a low power communication device operating under this subpart.

§ 15.152 Interference from a low power communication device.

Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

§ 15.153 Class B emission prohibited.

Operation of a low power communication device that produces Class B emissions (damped waves) is prohibited.

§ 15.154 Eavesdropping prohibited.

As provided by § 15.11 the use of a low power communication device for eavesdropping is prohibited.

WIRELESS MICROPHONE

§ 15.161 General technical provisions.

A wireless microphone may operate in any of the frequency bands listed under Subpart D of this part pursuant to the provisions therein.

§ 15.162 Operation in the band 88-108 MHz.

A wireless microphone may operate on any frequency in the band 88-108 MHz provided it meets all the following conditions.

(a) Emissions from the device shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency range 88-108 MHz.

(b) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 50 μV/m at a distance of 15 meters from the device.

(c) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 40 μV/m at a distance of 3 meters from the device.

(d) No antenna other than that furnished by the manufacturer shall be used with a type approved wireless microphone.

(e) A type approved wireless microphone may not be used for two way communication.

NOTE: This regulation prohibits the use of a wireless microphone either for the exchange of communications between devices each operating in the band 88-108 MHz, or between devices one of which operates in the band 88-108 MHz.

(f) User of the device shall take adequate precautions to insure that harmful interference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the wireless microphone shall be promptly suspended and shall not be resumed until the interference has been eliminated. The user of this device must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

§ 15.163 Equipment authorization required.

(a) A wireless microphone operating in the band 88-108 MHz shall be type approved pursuant to Subpart B of this part.

NOTE: The receiver used with the wireless microphone must be certificated pursuant to Subpart B to show compliance with Subpart C of this part.

(b) A wireless microphone manufactured on or after October 1, 1975, operating on any of the frequencies and under the technical specifications in Subpart D of this part, shall be certificated pursuant to Subpart B of this part.

(c) A wireless microphone manufactured between December 31, 1957, and April 1, 1975, operating on any of the frequencies and under the technical specification in Subpart D of this part, shall be self-certificated pursuant to the provisions of §§ 15.135 and 15.136.

(d) The issuance of an equipment authorization for a wireless microphone reflects no more than a Commission determination that the device has been shown to be capable of compliance with the applicable technical standards of the Commission's Rules, and should not be construed as a finding by the Commission as to matters not encompassed by the rules, especially with respect to compliance with 18 U.S.C. 2512.

[40 FR 10679, Mar. 7, 1975, as amended at 40 FR 24525, June 9, 1975; 44 FR 29066, May, 18, 1979]

§ 15.164 Identification.

A wireless microphone shall be identified pursuant to provisions of Subpart B of this part.

TELEMETERING DEVICE

§ 15.171 General technical provisions.

A telemetering device may operate in any of the frequency bands listed under Subpart D of this part, pursuant to the provisions therein.

§ 15.172 Operation in the band 38-41 MHz.

A telemetering device may operate in the band 38-41 MHz provided it meets all the following conditions.

(a) The device is used only for the transmission of biomedical data.

(b) Emissions from the device are confined within a 200 kHz band which shall lie wholly within the frequency range 38-41 MHz.

(c) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 10 μV/m at 15 meters from the device.

(d) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 10 μV/m at 3 meters from the device.

§ 15.174 Operation in the band 88-108 MHz.

A telemetering device may operate on any frequency in the band 88-108 MHz provided it meets all the following conditions.

(a) Emissions from the device shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency range 88-108 MHz.

NOTE: To insure that this requirement is met, the carrier frequency must be maintained within the band 88.1-107.9 MHz.

(b) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 50 μV/m at 15 meters from the device.

(c) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 40 μV/m at 3 meters from the device.

(d) No antenna other than that furnished by the manufacturer shall be used with a type approved telemetering device.

(e) The device shall not be used for two way communication.

(f) User of the device shall take adequate precautions to insure that harmful interference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the telemetering device shall be promptly suspended and shall not be resumed until the interference has been eliminated. The user of the device must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

§ 15.175 Custom built telemetering device in the band 88-108 MHz.

A custom built telemetering device used for experimentation by an educational institution need not be type approved, *Provided:*

(a) The device complies with the technical requirements of § 15.172 (a) through (c) inclusive.

(b) The educational institution notifies the Engineer in Charge of the local FCC office, in writing, in advance of operation. The notice shall include:

(1) The dates and place where the device will be operated

(2) The purpose for which the device will be used

(3) A description of the device including the operating frequency, RF power output, and antenna

(4) A statement that the device complies with the technical provisions of § 15.172 (a) through (c) inclusive.

§ 15.176 Operation in the band 174-216 MHz.

A telemetering device may operate in the band 174-216 MHz provided it meets all the following conditions.

(a) The device is used only for the transmission of biomedical data.

(b) Emissions from the device are confined within a 200 kHz band which shall lie wholly within the frequency range 174-216 MHz.

(c) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 150 μV/m at 30 meters from the device.

(d) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 15 μV/m at 30 meters from the device.

§ 15.177 Equipment authorization required.

(a) A telemetering device operating in the band 88-108 MHz, other than a custom built device operating under § 15.174, shall be type approved pursuant to Subpart B of this part.

(b) A custom built telemetering device operating under § 15.175 shall file the notice prescribed therein with the Engineer in Charge of the local FCC office.

(c) A biomedical telemetering device operating in the bands 38-41 or 174-216 MHz that was manufactured after April 30, 1972 shall be certificated pursuant to Subpart B of this part.

(d) The receiver associated with a radio telemetering device must be separately certificated pursuant to Subpart B to show compliance with Subpart C of this part.

§ 15.178 Identification.

(a) Telemetering devices, other than those referred to in paragraphs (b) and (c) of this section, shall be identified pursuant to § 2.925, to § 2.926 where applicable, and to § 2.969 or § 2.1045 as appropriate.

(b) A biomedical telemetering device operating under § 15.172 or § 15.176 for which a certification application is filed on or after May 1, 1981, shall be identified pursuant to §§ 2.925 and 2.1045. The FCC Identifier for such equipment will be validated by the grant of certification issued by the Commission. The nameplate or label shall contain the following statement:

> This device complies with FCC Rules Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation.

(c) A biomedical telemetering device operating under § 15.172 or § 15.176 for which a certification application is filed before May 1, 1981, shall bear a label containing the following information:

(1) Name pursuant to § 2.1045(b)(1) of this chapter.

(2) Model number pursuant to § 2.1045(b)(2) of this chapter.

(3) The following statement:

> This device complies with FCC Rules Part 15. Operation is subject to the following conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation.

(4) The date of manufacture. This information may be inscribed as the month and year of manufacture, or coded at the manufacturer's option, provided the key to the code is submitted with the application for certification.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303, 307)

[44 FR 17180, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 15.179 Report of measurements.

The report of measurements for a biomedical telemetering device operating under § 15.172 or § 15.176 shall report measurements pursuant to § 15.143.

RADIO CONTROL FOR DOOR OPENER (GARAGE DOOR OPENER DEVICE)

§ 15.181 General technical provisions.

A radio control for a door opener may operate in any of the frequency bands listed under Subpart D of this part, pursuant to the provisions therein.

§ 15.182 Operation above 70 MHz: Devices manufactured prior to July 15, 1963.

A radio control for a door opener manufactured prior to July 15, 1963 may be operated on any frequency above 70 MHz provided it meets all of the following conditions:

(a) The emission of RF energy shall not exceed the following limits:

Frequency (MHz):	*Field strength (μV/m at 30 meters)*
70 to 130	50.
130 to 174	50 to 150 (linear interpolation).
174 to 260	150.
260 to 470	150 to 500 (linear interpolation).
Above 470	500.

(b) The device is provided with means for automatically limiting operation to a duration of not more than 1 second, not to occur more than once in 30 seconds.

§ 15.183 Operation above 70 MHz: Devices manufactured between July 15, 1963 and March 24, 1971.

A radio control for a door opener manufactured between July 15, 1963 and March 24, 1971 may be operated on any frequency above 70 MHz provided it meets all of the following conditions:

(a) The emission of RF energy shall not exceed the following limits:

Frequency (MHz):	*Field strength (μV/m at 30 meters)*
70 to 130	50.
130 to 174	50 to 150 (linear interpolation).
174 to 260	150.
260 to 470	150 to 150 (linear interpolation).
Above 470	500.

(b) Radiation from the transmitter or receiver part of the control must not fall within any of the following bands:

MHz
73 to 75.4
108 to 118
121.4 to 121.6
242.8 to 243.2
265 to 285

328.6 to 335.4
406 to 410
608 to 614
960 to 1215
1400 to 1427

MHz
1535 to 1670
2690 to 2700
4200 to 4400
4990 to 5250

GHz
10.68 to 10.70
15.35 to 15.4
19.3 to 19.4
31.3 to 31.5
88 to 90

NOTE: A radiation level below 15 μV/m at 1 meter will be considered to meet this requirement.

(c) The transmitter part of the control is activated by a switch which automatically turns the transmitter off when released. If not so activated, the control shall meet the duty cycle limitation in § 15.120(b).

(d) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section.

[40 FR 10679, Mar. 7, 1975, as amended at 42 FR 7955, Feb. 8, 1977]

§ 15.184 Operation above 70 MHz: Devices manufactured after March 24, 1971.

A radio control for a door opener manufactured after March 24, 1971 may operate on any frequency above 70 MHz provided it meets all the following conditions:

(a) The device may be used only for the purposes of opening or closing a door and may not be used for voice transmission or the transmission of any other type of message or information.

(b) Emission of RF energy from the transmitter, as well as from the receiver part of the control, shall not fall within any of the bands listed below:

MHz
73 to 75.4
108 to 118
121.4 to 121.6
242.8 to 243.2
265 to 285

MHz
608 to 614
960 to 1215
1400 to 1427
1535 to 1670
2690 to 2700
4200 to 4400
4990 to 5250

328.6 to 335.4
404 to 406
10.68 to 10.70
15.35 to 15.4
19.3 to 19.4

GHz
31.3 to 31.5
88 to 90

NOTE: A radiation level below 15μV/m at 1 meter will be considered to meet this requirement.

(c) Subject to the limitation in paragraph (b) of this section, emission of RF energy from the transmitter shall not exceed the levels given below when measured under open field conditions as prescribed in FCC Technical Division Report T-7001 dated October 1, 1970 available from the Commission.

Frequency (MHz):	*Field strength at 30 meters (μV/m)*
70 to 130	125.
130 to 174	125 to 375 (linear interpolation).
174 to 260	375.
260 to 470	375 to 1250 (linear interpolation).
Above 470	1250

(d) The transmitter part of the control shall be activated only by a switch which will automatically deactivate the transmitter when released. The switch shall be of such quality to insure reliable operation for the expected life of the transmitter.

[40 FR 10679, Mar. 7, 1975; 40 FR 13219, Mar. 25, 1975; 40 FR 15091, Apr. 4, 1975]

§ 15.185 Equipment authorization required.

(a) A radio control for a door opener operating above 70 MHz manufactured after March 24, 1971 shall be certificated pursuant to Subpart B of this part.

(b) A radio control for a door opener operating above 70 MHz under §§ 15.182 or 15.183 shall be self-certificated pursuant to §§ 15.135 and 15.136.

(c) The receiver associated with a radio control transmitter for a door opener shall be certificated pursuant to Subpart B to show compliance with Subpart C of this part.

§ 15.186 Identification.

(a) The transmitter part and the receiver part of the radio control for a door opener operating under § 15.184 and for which certification applications are filed on or after May 1, 1981, shall each be identified pursuant to §§ 2.925 and 2.1045. The FCC Identifiers for such equipment will be validated by the grant of certification issued by the Commission. The nameplate or label shall bear the following statement:

> This device complies with FCC Rules Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation.

(b) The transmitter part and the receiver part of the radio control for a door opener operating under § 15.184 and for which certification applications were filed before May 1, 1981, shall each bear a label containing the following information:

(1) Name pursuant to § 2.1045(b)(1) of this chapter.

(2) Model number pursuant to § 2.1045(b)(2) of this chapter.

(3) The following statement:

> "This device complies with FCC Rules Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation."

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat., 290; 47 U.S.C. 154, 303, 307))

[44 FR 17180, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 15.187 Report of measurements.

The report of measurements for a radio control for a door opener operating under § 15.184 shall cover the range of frequencies in § 15.142 of this part and shall contain the information required by § 15.143.

DEVICE THAT MEASURES THE CHARACTERISTICS OF A MATERIAL

§ 15.191 General technical provisions.

A device that uses RF energy to measure the characteristics of a material may operate in any of the frequency bands listed under Subpart D of this Part pursuant to the provisions therein.

§ 15.192 Alternative provisions.

A device that uses RF energy to measure the characteristics of a material may operate in the frequency bands listed in paragraph (b) and pursuant to the provisions in this section.

(a) A device operated pursuant to the provisions of this section may not be used for voice communications, or the transmission of any other type of message.

(b) The device shall operate within the frequency bands:

MHz	*MHz*
13.554 to 13.566	2400 to 2500
26.96 to 27.28	5725 to 5875
40.66 to 40.70	24000 to 24250
890 to 940 (See note)	

NOTE: The frequency band 890-940 MHz is subject to change pursuant to the reallocation of frequencies that may be made in the band 806-960 MHz in the rule making proceeding in Docket No. 18262.

(c) The maximum level of emission from the device shall not exceed:

Fundamental frequency in the band	Emission (microvolts per meter at 30 meters)		
	On fundamental freq.	On harmonic freq.	On other freq.
13.554 to 13.566	15	0.5	0.5
26.96 to 27.28 MHz	32	1.0	1.0
40.66 to 40.70 MHz	50	1.5	1.5
Above 800 MHz	500	50.0	15.0

(d) The device shall be self-contained with no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section. Any antenna that may be used with the device shall be permanently attached thereto and shall not be readily modifiable by the user.

[40 FR 10679, Mar. 7, 1975, as amended at 42 FR 7955, Feb. 8, 1977]

§ 15.193 Certification required.

(a) A device that uses RF energy to measure the characteristics of a material, that was manufactured prior to October 1, 1975 shall be certificated pursuant to §§ 15.135 and 15.136.

(b) A device that uses RF energy to measure the characteristics of a material, that was manufactured on and after April 1, 1975, shall be certificated pursuant to Subpart B of this part.

[40 FR 10679, Mar. 7, 1975, as amended at 40 FR 24525, June 9, 1975]

§ 15.194 Identification.

A device that uses RF energy to measure the characteristics of a material shall be identified pursuant to Subpart B of this part.

Subpart F—Field Disturbance Sensors

AUTHORITY: Secs. 4, 302, 303, 48 Stat., as amended, and 82 Stat., 1066, 290, 1082; 47 U.S.C. 154, 302, 303.

SOURCE: 36 FR 16911, Aug. 26, 1971, unless otherwise noted.

§ 15.301 Scope of this subpart.

This subpart provides rules governing the operation of restricted radiation devices which are used as field disturbance sensors. Typical examples of devices regulated by these rules are microwave intrusion sensors and devices that use RF energy for production line counting and sensing.

§ 15.302 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a field disturbance sensor operating under this subpart.

[40 FR 10682, Mar. 7, 1975]

§ 15.303 Restriction on operation.

No field disturbance sensor may be operated unless it has been certificated and labeled as complying with the requirements of this part.

§ 15.305 General technical specification.

(a) A field disturbance sensor may be operated on any frequency (including frequencies above 900 MHz) subject to the requirement that the field strength of emissions on the fundamental or on a harmonic or on other spurious frequencies shall not exceed 15 μ V/m at a distance of $\lambda/2\pi$ from the sensor.

(b) Alternative to paragraph (a) of this section, a field disturbance sensor may be operated on any frequency listed below, subject to the technical requirements set out in §§ 15.307 and 15.309 of this part.

915 MHz
2450 MHz
5800 MHz
10.525 MHz
24,125 MHz

(c) Alternative to paragraphs (a) and (b) of this section, a wide-band swept field disturbance sensor may be operated on any frequency listed below subject to the technical requirements set out in §§ 15.321 and 15.323

Center frequency (MHz)		*Band limits (MHz)*
2	±0.3	(1.7–2.3)
4.5	±0.45	(4.05–4.955)
8.2	±0.8	(7.4–9.0)

[36 FR 16911, Aug. 26, 1971, as amended at 40 FR 10682, Mar. 7, 1975; 42 FR 7955, Feb. 8, 1977; 42 FR 39981, Aug. 8, 1977]

§ 15.307 Permitted bands of operation.

The carrier frequency of a field disturbance sensor operating on one of the frequencies listed in § 15.305(b) and any modulation components thereof shall be kept within the following limits:

Nominal operating frequency (MHz)	*Band limits (MHz)*
915	±13
2450	±15
5800	±15
10,525	±25
24,125	±50

NOTE: To minimize the possibility of out-of-band operation because of frequency drift due to aging of components or other causes, it is recommended that the carrier frequency be kept within the central 80 percent of the permitted tolerance limits.

[39 FR 1768, Jan. 14, 1974]

§ 15.309 Emission limitations.

(a) For a field disturbance sensor operating on any frequency listed in § 15.307, the filed strength of emissions on the fundamental shall be limited in accordance with the following:

Frequency (MHz)	*Field Strength*
915	50,000 μV/m at 30 meters
2450	Do.
5800	Do.
10,525	250,000 μV/m at 30 meters
24,125	Do.

(b) Harmonic emissions from sensors operating in the bands centered on 915, 2,450 and 5,800 MHz shall not exceed a level of 160 microvolts per meter at 30 meters. Spurious emissions except harmonics shall be suppressed at least 50 dB below the level of the fundamental; however, suppression below 15 microvolts per meter at 30 meters is not required.

(c) Harmonic emissions from sensors operating in bands centered on 10,525 and 24,125 MHz shall not exceed a level of 2,500 microvolts per meter at 30 meters. Spurious emissions except harmonics shall be suppressed at least 50 dB below the level of the fundamental; however, suppression below 15 microvolts per meter at 30 meters is not required.

NOTE: For pulsed operation, measured field strength shall be determined from the averaged absolute voltage during a 0.1 second interval when filed strength is at its maximum value. Below 1000 MHz, the measurement bandwidth shall comply with the requirements set out in the American National Standards Institute Specifications C63.2-1963 and C63.3-1964. Above 1000 MHz the measurement bandwidth shall be 5 MHz.

(Sec. 4(i), 302, 303(g), 303(r) of the Communications Act of 1934, as amended)

[38 FR 27822, Oct. 9, 1973, as amended at 39 FR 1768, Jan. 4, 1974; 40 FR 10682, Mar. 7, 1975; 45 FR 81569, Dec. 11, 1980]

§ 15.311 Interference from a field disturbance sensor.

(a) Operation of a field disturbance sensor is subject to the general conditions of operation set out in § 15.3.

(b) The operator of a field disturbance sensor who is advised that his sensor is causing interference to an authorized radio service shall promptly stop operating the sensor, and operation shall not be resumed until the condition causing the harmful interference has been eliminated.

§ 15.312 Certification required.

A field disturbance sensor shall be certificated pursuant to Subpart B of this part.

[40 FR 10682, Mar. 7, 1975]

§ 15.314 Identification required.

(a) Each field disturbance sensor for which certification applications are filed on or after May 1, 1981, shall be identified pursuant to § 2.925 and § 2.1045. The FCC Identifier for such equipment will be validated by the grant of certification issued by the Commission. The nameplate or label shall bear the following statement:

"This device complies with FCC Rules Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation."

(b) Each field disturbance sensor for which applications for certification are filed before May 1, 1981, shall bear a label pursuant to § 15.41.

(1) In addition to the name and identifier required by § 15.41 the identification label on a field disturbance sensor authorized under application for certification filed before May 1, 1981, shall bear the statement:

"This device complies with FCC Rules Part 15. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2) This device must accept any interference that may cause undesired operation."

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303, 307))

[44 FR 17181, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 15.317 Frequency range over which measurements are required.

(a) For a field disturbance sensor operating below 100 MHz, the spectrum shall be scanned from the lowest frequency generated in the device up to 1000 MHz. Field strength for all significant emissions shall be measured and reported.

(b) For a field disturbance sensor operating above 100 MHz the spectrum shall be scanned from the lowest frequency generated in the device up to 10 GHz: *Provided*, That for sensors operating on frequencies above 5 GHz, the spectrum shall be scanned to the highest frequency feasible, above 10 GHz. Field strengths of all significant emissions shall be measured and reported.

§ 15.318 Report of measurements.

The report of measurements for a field disturbance sensor shall follow the format and provide all the information required by § 15.143 over the frequency range specified in § 15.317. Other reporting formats may be used, if fully explained by the engineer who prepared the report.

[40 FR 10682, Mar. 7, 1975]

§ 15.321 Emission limitations for operation under § 15.305(c).

(a) The field strength shall not exceed 100 μV/m at 30 meters on emissions within the bands specified.

(b) Out of band emissions shall be suppressed at least 40 dB below the level of the fundamental. The measurement procedure involved will be discussed in an OCE bulletin.

(c) A minimum frequency deviation of one-half the authorized maximum deviation is required on all specified frequencies.

(d) A minimum frequency modulation rate of 40 hertz is required for all operations.

[42 FR 39981, Aug. 8, 1977]

§ 15.323 Measurement requirements for operation under § 15.305(c).

Measurements shall be made with the frequency sweep stopped using an average reading field strength meter. Measurements on frequencies below 25 MHz shall be made using a shielded loop as the pickup device, and measurements on frequencies above 25 MHz shall be made using a tuned dipole or a linearly-polarized broadband dipole as the pickup device. Out of band emissions shall be checked over the frequency range 300 kHz to 300 MHz. In addition, the measurement report shall include spectrum analyzer photographs of the broadband signal emitted.

[42 FR 39981, Aug. 8, 1977; 42 FR 44989, Sept. 8, 1977]

Subpart G—Auditory Training Devices

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303.

SOURCE: 37 FR 13988, July 15, 1972, unless otherwise noted.

§ 15.331 Scope of this subpart.

This subpart provides rules under which a restricted radiation device may be operated without individual license as an auditory training system in institutional education programs for auricular instruction of persons having speech or hearing handicaps. The facilities provided under these rules permit an enlarged scope of operation beyond that permitted by the regulations in Subpart E of this part.

§ 15.332 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to an auditory training system operating under this subpart.

[40 FR 10682, Mar. 7, 1975]

§ 15.333 Operation in the band 72-76 MHz.

(a) A transmitter may be operated as part of an auditory training system on the frequencies listed in § 15.351 provided it meets the technical specifications in §§ 15.353-15.359 inclusive and is type approved pursuant to § 15.347.

(b) A receiver may be operated as part of an auditory training system provided it meets the technical specifications in §§ 15.361-15.367 inclusive and is certificated pursuant to § 15.345.

§ 15.335 Operation in the band 88-108 MHz.

(a) An auditory training system may be operated in the band 88-108 MHz provided the transmitter meets the technical specifications in § 15.212 (including type approval) and the receiver has been certificated pursuant to § 15.345.

(b) Those institutions holding waivers of § 15.212 (granted during June 1, 1971-September 21, 1971) may operate the devices authorized under the provisions specified in the request for waiver, until January 1, 1982. Existing equipment may be repaired or replaced as required, but no additional equipment may be added under such waiver.

§ 15.337 Operation on other frequencies.

(a) An auditory, training system may be operated on any frequency available under this part: *Provided*, The transmitter and receiver parts of the system meet the applicable technical specifications of this part and are certificated, if certification is required.

(b) An auditory training system may be operated as a licensed station in an authorized radio service: *Provided*, The transmitter meets the applicable regulations of such service and is type accepted and the receiver is certificated pursuant to § 15.345, if certification is required.

[37 FR 13988, July 15, 1972, as amended at 38 FR 12744, May 15, 1973]

§ 15.341 Interference from an auditory training system.

(a) Operation of an auditory training system is subject to the general conditions of operation set out in § 15.3.

(b) The operator of an auditory training system who is advised that his system is causing harmful interference to an authorized radio service shall promptly stop operating the system, and operation shall not be resumed until the condition causing the harmful interference has been eliminated.

§ 15.345 Certification of receiver.

A receiver operating in the range 30-890 MHz as part of an auditory training system shall be certificated pursuant to Subpart B of this part to show compliance with the technical specifications of this subpart.

[40 FR 10682, Mar. 7, 1975]

§ 15.347 Equipment authorization for transmitter.

(a) A transmitter operating in the band 72-76 MHz or the 88-108 MHz as part of an auditory training system shall be type approved pursuant to Subpart B of this part.

(b) A transmitter operated as part of an auditory training system on frequencies and under the technical specifications in Subpart D of this part, manufactured prior to October 1, 1975 shall be self certificated pursuant to §§ 15.135-15.136.

(c) A transmitter operated as part of an auditory training system on frequencies and under the technical specifications of Subpart D of this part, manufactured after October 1, 1975 shall be certificated pursuant to Subpart B of this part.

[40 FR 10682, Mar. 7, 1975, as amended at 40 FR 24525, June 9, 1975]

§ 15.351 Frequencies available in the band 72-76 MHz.

(a) An auditory training system may be operated either as a narrow band device in a 50 kHz channel, or as a wide band device in a 200 kHz channel.

(b) If the auditory training device is in a narrow band (50 kHz), the carrier frequency of the device shall be set on one of the frequencies listed below:

72.025 MHz
72.075 MHz
72.125 MHz
72.175 MHz
72.225 MHz
72.275 MHz
72.325 MHz
72.375 MHz
75.425 MHz
72.475 MHz
72.525 MHz
72.575 MHz
72.625 MHz
72.675 MHz
72.725 MHz
72.775 MHz
72.825 MHz
72.875 MHz
72.925 MHz
72.975 MHz
72.425 MHz
75.475 MHz
75.525 MHz
75.575 MHz
75.625 MHz
75.675 MHz
75.725 MHz
75.775 MHz
75.825 MHz
75.875 MHz
75.925 MHz
75.975 MHz

(c) If the auditory training device is operated in a wide channel (200 kHz), the carrier frequency of the device shall be set out on one of the frequencies listed below:

72.10 MHz
72.30 MHz
72.50 MHz
72.70 MHz
72.90 MHz
75.50 MHz
75.70 MHz
75.90 MHz

§ 15.353 Transmitter frequency tolerance (72-76 MHz).

A transmitter operated as part of an auditory training system in the band 72-76 MHz shall maintain a frequency tolerance of ±0.005 percent over an ambient temperature range of 0° to 50° C. at normal supply voltage, and over a supply voltage variation of 85 percent to 115 percent of normal supply voltage at a temperature of 20° C.

§ 15.355 Transmitter power (72-76 MHz).

(a) The D.C. power drawn from its supply by a transmitter as part of an auditory training system in the band 72-76 MHz shall not exceed 250 milliwatts.

(b) Notwithstanding the power input to the transmitter, the field strength of the unmodulated carrier shall not exceed 8000 uV/m at 30 meters.

§ 15.357 Transmitter modulation requirements (72-76 MHz).

(a) When using FM and operating in a narrow band (50 kHz) the frequency deviation shall not exceed ±20 kHz.

(b) When using FM and operating in a wide band (200 kHz) the frequency deviation shall not exceed ±75 kHz.

(c) The device may be equipped with a changeover switch so that it may be operated either in a 50 kHz or a 200 kHz channel. However, no variable control to provide such a changeover shall be available to the user.

(d) When using AM, modulation shall not exceed 100 percent.

(e) If other types of modulation are to be used, the application for type approval shall describe such modulation in detail, and the specifications of the authorized modulation process will be set out in the grant of type approval.

(f) The modulation requirements specified in this section shall be met for any speech sound applied to the microphone or any electrical signal applied to the device from an external source, if the device is designed to accept external signals.

§ 15.359 Transmitter emissions out of band (72-76 MHz).

(a) For a transmitter operating in a narrow band (50 kHz) the field strength of emissions on any frequency removed from the normal carrier by 50 kHz or more shall not exceed 150 uV/m at 30 meters.

(b) For a transmitter operating in a wide band (200 kHz) the field strength of emissions on any frequency removed from the nominal carrier by 200 kHz or more shall not exceed 150 uV/m at 30 meters.

§ 15.361 Receiver frequency stability (72-76 MHz).

A receiver operating as part of an auditory training system in the band 72-76 MHz shall maintain a frequency stability such that the frequency corresponding to the center of the reception pass-band shall be within ±0.005 percent of the nominal operating frequency over an ambient temperature range of 0° to 50° C. at the nominal supply voltage and over a voltage range of 85 percent to 115 percent of the nominal supply voltage at an ambient temperature of 20° C.

§ 15.363 Receiver selectivity and desensitization (72-76 MHz).

A receiver operating as part of an auditory training system in the band 72-76 MHz shall provide a minimum of 40 dB adjacent channel selectivity and desensitization when measured in accordance with the procedure specified in EIA Standard RS-204A dated July 1972, or equivalent procedure. (See IEEE Standard 184, April 1969.)

[38 FR 6826, Mar. 13, 1973, as amended at 42 FR 7955, Feb. 8, 1977]

§ 15.365 Receiver image frequency rejection (72-76 MHz).

A receiver operating as part of an auditory training system in the band 72-76 MHz shall provide a minimum of 40 dB image frequency rejection when measured in accordance with the procedure specified in EIA Standard RS-204A dated July 1972, or equivalent procedure. (See IEEE Standard 184, April 1969.)

[38 FR 6826, Mar. 13, 1973, as amended at 42 FR 7955, Feb. 8, 1977]

§ 15.367 Receiver emission limitation (72-76 MHz).

A receiver operating as part of an auditory training system shall meet the emission limitations set out in § 15.63 for radiated and conducted (if applicable) energy.

§ 15.375 Identification of auditory training equipment (72-76 MHz).

(a) Each transmitter and each receiver operated as part of an auditory training system for which applications for type approval or certification are filed on or after May 1, 1981, shall be individually identified pursuant to § 2.925 and § 2.969 or § 2.1045, as applicable. The FCC Identifier for such equipment will be validated by the grant of certification or type approval issued by the Commission. The nameplate or label of the receiver shall contain the following legend:

"This receiver complies with FCC Rules Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation."

(b) Each transmitter and each receiver operated as part of an auditory training system for which applications for type approval or certification are filed before May 1, 1981, shall be individually identified with a distinctive nameplate or label containing the following information:

(1) The name of the grantee of type approval or certification or the trade (or brand) name given in the application therefor.

(2) A distinctive type number identical to that given in the application for type approval or certification.

(3) On the transmitter, the type approval number assigned by the Commission in the form:

FCC Type Approval No.——

(4) On the receiver, the following statement:

"This receiver complies with FCC Rules Part 15. Operation is subject to the condition that the device will not cause harmful interference and that must accept any interference that may be received, including interference that may cause undesired operation."

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303, 307))

[44 FR 17181, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 15.377 Measurement of field strength.

Measurement of radiated field strength of all emissions (fundamental, harmonics and other spurious) from the transmitter parts of auditory training systems, operating in the 72-76 MHz band or in the 88-108 MHz band, shall be made in accordance with the procedure set forth in FCC Bulletin OCE 19, published March 1973.

[38 FR 6826, Mar. 13, 1973]

Subpart H—Class I TV Devices

Source: 37 FR 26604, Dec. 14, 1972, unless otherwise noted.

§ 15.401 Conditions of operation.

(a) A Class I TV device shall operate within a channel allocated for television broadcasting providing its operation at all times complies with the requirements of this subpart.

(b) A Class I TV device shall transmit its output signal to a receiving device by means of a direct connection (either wires or coaxial cable) provided by the manufacturer.

§ 15.402 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a Class I TV device operating under this subpart.

[40 FR 10682, Mar. 7, 1975]

§ 15.403 Output signal level.

The voltage corresponding to the peak envelope power of the video modulated signal during maximum amplitude peaks across a resistance (R ohms) matching the rated output impedance of the device, shall not exceed 346.4 $\sqrt{R}$ microvolts. The peak envelope power of the sound modulated signal shall be at least 13 dB below that of the video modulated signal.

NOTE: If R = 300 ohms, the maximum RMS output voltage of the video carrier is 6,000 microvolts.

If R = 75 ohms, the maximum RMS output voltage of the video carrier is 3,000 microvolts.

§ 15.405 Output terminals.

A Class I TV device which provides a desired output on two or more television channels simultaneously shall be provided with separate terminals for each channel output.

§ 15.407 Transfer switch and isolation requirement.

Each Class I TV device shall be equipped with a receiver transfer switch for connecting the antenna terminals of the receiver selectively either to the receiving antenna or to the radio frequency output of the Class I TV device. In either of its positions, the receiver transfer switch shall provide at least 60 dB isolation between the Class I TV device and the receiving antenna on any TV channel on which the Class I TV device can be operated.

§ 15.409 Output terminal conducted interference limits.

At any RF output terminal, the peak envelope power of any emission appearing on frequencies removed by more than 3 MHz from either edge of the standard TV channel on which the device is operated shall be attenuated below the peak envelope power of the visual signal by no less than 30 decibels, measured with a matched termination.

§ 15.411 Type approval.

(a) A Class I TV device shall be type approved pursuant to Subpart B of this part.

(b) The application for type approval shall be submitted on FCC Form 731 and shall include the following attachments.

(1) A statement detailing the technical specifications of the device.

(2) Two copies each of a circuit diagram and instruction manual.

(c) To receive type approval, a Class I TV device must meet the following requirements:

(1) The device must comply with the requirements of this subpart.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the requirements of this subpart for at least 5 years under normal operation and with average maintenance.

(3) The device must be so constructed that the adjustment of any control accessible to the user will not cause operation in violation of the requirements of this subpart.

[37 FR 26604, Dec. 14, 1972, as amended at 40 FR 10682, Mar. 7, 1975; 41 FR 19948, May 14, 1976]

§ 15.413 Certification of built-in tuner.

If a Class I TV device includes a built-in television tuner as part of its design, the device must also be certificated pursuant to Subpart B of this part to show that the television tuner complies with the requirements for a television receiver in Subpart C of this part.

[40 FR 10682, Mar. 7, 1975]

§ 15.415 Identification of a Class I TV device.

(a) Each Class I TV device for which a type approval application was filed on or after May 1, 1981, shall be identified pursuant to § 2.925 and § 2.969. The FCC Identifier for such equipment will be validated by the grant of approval issued by the Commission. The nameplate or label of the equipment shall include the following statement:

> "This device complies with FCC Rules Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation."

(b) Each Class I TV device for which a type approval application is filed before May 1, 1981, will be assigned a type approval number as listed in the grant of type approval. The type approval number and the following statement shall be permanently inscribed upon or permanently attached to the exterior of each production unit as follows:

"FCC Type Approval No.——. Valid only when operated pursuant to FCC Rules Part 15.'

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303, 307))

[44 FR 17181, Mar. 21, 1979; 44 FR 21021, Apr. 9, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 15.417 Measurement of field strength.

Field strength of video modulated signals shall be measured with instruments responding to the peak value, and the band width of any instrument used for such measurements above 50 MHz shall be at least 150 kHz. An electrostatically shielded loop antenna lying in a vertical plane shall be used for measurements on frequencies below 18 MHz and a dipole antenna for measurements on frequencies above 30 MHz, in both polarizations. Either a loop or a dipole antenna may be used on frequencies between 18 and 30 MHz.

§ 15.419 Radiation interference limits.

The field strength of any electromagnetic energy radiated from the cabinet, control circuits and power leads of a Class I TV device (having its output terminated by a resistance equal to the rated output impedance) shall not exceed the field strength of 15 microvolts per meter at a distance of $\lambda/2\pi$ or at a distance of 1 meter, whichever is the larger distance.

[37 FR 26604, Dec. 14, 1972, as amended at 40 FR 10682, Mar. 7, 1975]

§ 15.421 Line-conducted interference limits.

The RF voltage measured between each power line and ground at the power terminals of the device shall not exceed 100 microvolts at any frequency between 450 kHz and 25 MHz, inclusive when measured in accordance with IEEE Standard 213.

§ 15.423 Interference from a Class I TV device.

(a) Operation of a Class I TV device is subject to the general conditions of operation set forth in § 15.3.

(b) The operator of a Class I TV device who is advised by the Commission that his device is causing harmful interference shall promptly stop operating the device and shall not resume its operation until the condition causing the harmful interference has been eliminated.

Subpart I—[Reserved]

Subpart J—Computing Device

Source: 44 FR 59543, Oct. 16, 1979, unless otherwise noted.

§ 15.801 Scope of this subpart.

(a) Computers and similar electronic equipment that use digital techniques generate and use radio frequency (RF) energy for timing and control purposes. Unless proper precautions are taken, some of this RF energy is radiated into space or conducted along the power line (or combination of both) and may cause harmful interference to radio communications. This subpart sets out technical and administrative specifications to reduce the interference potential of such equipment. The devices subject to this subpart are defined in § 15.4(n).

(b) The requirements herein are a precondition for marketing pursuant to 47 U.S.C. 302 and Subpart I of Part 2 of this chapter.

(c) Pending resolution of the proceeding in FCC Docket No. 20780 and related proceedings dealing with restricted radiation and computing devices, the following computing devices remain subject to § 15.803 but are exempt from complying with other requirements of this subpart.

(1) A computing device utilized in any transportation vehicle including motor vehicles and aircraft.

(2) An electronic control or power system utilized by a public utility or in an industrial plant.

(3) Industrial, commercial, and medical test equipment.

(4) Computing device utilized in an appliance, e.g. microwave oven, dishwasher, clothes dryer, etc.

Although not mandatory, it is strongly recommended that manufacturers of these devices endeavor to have such devices meet the limits herein.

[44 FR 59543, Oct. 16, 1979, as amended at 45 FR 24165, Apr. 9, 1980]

§ 15.802 Cross reference.

The provisions of Subparts A, B, and I of this part and Subparts I, J, and K of Part 2 of this chapter shall apply to a computing device or system operating under this subpart.

§ 15.803 Noninterference requirement.

Notwithstanding the compliance with the technical specifications in this Part, the operation of each computing device is subject to the general conditions of § 15.3. The operator of a computing device may be required to stop operating his device upon a finding that the device is causing harmful interference and it is in the public interest to stop operation until the interference problem has been corrected.

§ 15.804 General requirement.

A computing device shall be constructed in accordance with good engineering design and practice. Emanations from the device shall be suppresed as much as is practical, but in no case shall they exceed the levels specified herein for each class of device.

§ 15.805 Interim labeling and information requirements for non-complying devices.

(a) A Class A or Class B computing device manufactured after January 1, 1981, which has not been verified by the manufacturer as complying with the specifications of this subpart shall:

(1) Have permanently attached in a conspicuous location on the device for the user to observe a label with the following statements:

This equipment has not been tested to show compliance with new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. Operation of this equipment in a residential area is likely to cause unacceptable interference to radio communication requiring the operator to take whatever steps are necessary to correct the interference.

(2) Have in the instruction manual for the device the following information for the user:

Warning: This equipment generates, uses, and can radiate radio frequency energy and if not installed and used in accordance with the instructions manual, may cause interference to radio communications. As temporarily permitted by regulation it has not been tested for compliance with the limits for Class A computing devices pursuant to Subpart J of Part 15 of FCC Rules, which are designed to provide reasonable protection against such interference. Operation of this equipment in a residential area is likely to cause interference in which case the user at his own expense will be required to take whatever measures may be required to correct the interference.

(b) Prior to the mandatory effective dates for complying with technical requirements, a manufacturer has the option of verifying a computing device as complying with requirements for Class A equipment and attaching the label specified in § 15.816(a) and providing with instruction materials the information specified in § 15.818, or of verifying a computing device as complying with requirements for Class B equipment and attaching the label specified in § 15.836(c). Prior to the mandatory effective date for complying with technical requirements a manufacturer of Class B equipment may verify and label that equipment as complying with Class A requirements.

[45 FR 24165, Apr. 9, 1980]

§ 15.810 Class A computing device: Radiation limit.

Emanations from a Class A computing device, including any network of conductors and apparatus connected thereto, shall not exceed the level of field strength specified in the table below. The method for determining compliance with these limits shall be in accordance with the test procedures in § 15.840.

Frequency (F) (MHz)	Distance (meters)	Field Strength (μV/m)
30 to 88	30	30
88 to 216	30	50
216 to 1000	30	70

NOTES: (1) The tighter limit shall apply at the edge between the two frequency bands.

(2) Distance refers to the distance in meters between the measuring instrument antenna and the closest point of any part of the device or system.

(3) F is the frequency in Megahertz of the emission under investigation.

(4) Measurement for compliance with these limits may be made at a closer distance, provided the test results are compared with the limits at 30 meters using the relationship

$E_{30} = Ed(d/30)$

where,

E_{30} = computed field strength in microvolts per meter at 30 meters.

Ed = measured field strength in microvolts per meter at the distance "d" meters.

d = distance in meters at which the field Ed was measured (less than 30 meters, but greater than or equal to 3 meters).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12521, Nov. 22, 1963, as amended at 46 FR 23250, Apr. 24, 1981]

§ 15.812 Class A computing device: Conduction limit.

A Class A computing device which is designed to be connected to a low voltage public utility power line shall limit radio frequency voltage conducted back into the power lines to values below the levels specified in the following table when measured pursuant to § 15.840.

Frequency (MHz)	Maximum RF line voltage (μV)
0.45 to 1.6	1000
1.6 to 30	3000

NOTE: The tighter limit shall apply at the edge between the two frequency bands. Conducted limits in the frequency range of 10 to 450 kHz are under consideration.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[45 FR 24165, Apr. 9, 1980, as amended at 46 FR 23250, Apr. 24, 1981]

§ 15.814 Class A computing device: Verification requirement.

(a) A Class A computing device first placed in production after October 1, 1981 shall be verified for compliance with the requirements for a Class A computing device prior to marketing pursuant to Subpart I of Part 2 of this chapter.

(b) All Class A computing devices manufactured after October 1, 1983, shall be verified for compliance with the requirements for a Class A computing device prior to marketing pursuant to Subpart I of Part 2 of this chapter.

(c) Certification by the Commission is not required; however, the Commission reserves the right to require additional testing to verify compliance and, if necessary, to require certification by the Commission.

(d) Notwithstanding the above, in the event harmful interference is caused to radio communications, subsequently produced offending units may be required to comply with the technical specifications herein prior to the mandatory effective date.

[45 FR 24165, Apr. 9, 1980]

§ 15.816 Class A computing device: Labelling requirement.

(a) Each computing device which has been verified as complying with the Class A limits shall have permanently attached in a conspicuous location for the user to observe a label with the following statement:

> This equipment complies with the requirements in Part 15 of FCC Rules for a Class A computing device. Operation of this equipment in a residential area may cause unacceptable interference to radio and TV reception requiring the operator to take whatever steps are necessary to correct the interference.

(b) For systems incorporating several peripherals (computer input/output devices, terminals, etc.) or computing devices, only one label on the main control unit is necessary. For a peripheral marketed separately, and verified for complying with the limits for a Class A computing device, a label with the following information shall be conspicuously located on the equipment:

> This equipment has been tested with a Class A computing device and has been found to comply with Part 15 of FCC Rules. See instruction manual. Operation in a residential area may cause unacceptable interference to radio and TV reception requiring the operator to take whatever steps are necessary to correct the interference.

[45 FR 24165, Apr. 9, 1980]

§ 15.818 Class A computing device: Information to user.

(a) The following warning or similar statement shall be provided in a conspicuous location in the operator's manual so that the user of a Class A computing device is aware of its interference potential. Additional information about corrective measures may also be provided to the user at the manufacturer's option.

> WARNING: This equipment generates, uses, and can radiate radio frequency energy and if not installed and used in accordance with the instructions manual, may cause interference to radio communications. It has been tested and found to comply with the limits for a Class A computing device pursuant to Subpart J of Part 15 of FCC Rules, which are designed to provide reasonable protection against such interference when operated in a commercial environment. Operation of this equipment in a residential area is likely to cause interference in which case the user at his own expense will be required to take whatever measures may be required to correct the interference.

(b) The instruction manual for a Class A computer peripheral which is separately marketed shall also include sufficient information to insure that the complete system is capable of complying with the requirements for a Class A computing device.

[45 FR 24166, Apr. 9, 1980]

§ 15.830 Class B computing device: Radiation limit.

All emanations from a Class B computing device or system, including any network of conductors and apparatus connected thereto, shall not exceed the level of field strengths specified in the table below, when tested pursuant to the procedures for such a device in § 15.840.

Frequency (F) (MHz)	Distance (meters)	Field strengths (μV/m)
30 to 88	3	100
88 to 216	3	150
216 to 1000	3	200

NOTES: (1) The tighter limit shall apply at the edge between two frequency bands.

(2) Distance refers to the distance in meters between the measuring instrument antenna and the closest point of any part of the device or system.

(3) F is the frequency in Megahertz of the emission under investigation.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12521, Nov. 22, 1963, as amended at 46 FR 23250, Apr. 24, 1981]

§ 15.832 Class B computing device: Conduction limit.

A Class B computing device that is designed to be connected to a low voltage public utility power line which is intended to feed electrical power to residential dwellings shall limit radio frequency voltage conducted back into the power lines to not more than 250 microvolts over the frequency range 450 to 30,00 kHz, when measured pursuant to § 15.840.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23250, Apr. 24, 1981]

§ 15.834 Class B Computing Device: Compliance Requirement.

(a) The following Class B computing devices which are manufactured after January 1, 1981, shall be certificated by the Commission pursuant to Subpart J of Part 2 of this Chapter.

(1) Electronic games (including coin operated games) exclusive of games that meet all the conditions in paragraph (d) of this section.

(2) Personal computers as defined in § 15.4(q) of this part exclusive of hand held calculators, desk top calculators or digital clocks or watches.

(3) Personal computer peripheral equipment.

(b) A Class B computing device not listed in paragraph (a) of this Section and first placed into production after October 1, 1981 shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(c) A Class B computing device not listed in paragraph (a) of this Section and manufactured after October 1, 1983, regardless of date of first production shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(d) An electronic game meeting all the criteria listed in this paragraph is exempt from certification by the Commission but must be verified by the manufacturer:

(1) The game is self-contained.

NOTE: The term self-contained means that the game is built into a single package. The use of a detachable AC adapter does not change the self-contained character of the game.

(2) The game does not use a TV receiver as a display.

(3) The game uses digital logic that generates a clock frequency below 495 kHz.

(e) A desk top calculator or a hand held calculator is not considered to be a personal computer subject to certification by the FCC. Such calculators are considered to be Class B computing devices subject to verification pursuant to the schedules in paragraphs (b) and (c) of this section.

(f) A digitial clock or watch is not considered to be a personal computer subject to certification by the FCC. Such a clock or watch is considered to be a Class B computing device subject to verification pursuant to the schedules in paragraphs (b) and (c) of this section.

(g) The procedures for certification and verification are set out in Part 2 Subpart J of this chapter.

(h) Notwithstanding the above, in the event harmful interference is caused to radio communications, subsequently produced offending units may be required to comply with the technical specification herein prior to the mandatory effective date.

(i) For a Class B computing device subject only to verification, the Commission may require the manufacturer to perform additional testing and may require certification by the Commission pursuant to Subpart J of Part 2 of this Chapter, if the device has been found to cause harmful interference.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 19481, Mar. 31, 1981, as amended at 46 FR 21781, Apr. 14, 1981]

§ 15.836 Class B computing device: Labeling requirements.

(a) A Class B computing device subject to certification by the Commission shall be identified pursuant to § 2.925 et seq of this chapter. In addition, the label shall include the following statement:

Certified to comply with Class B limits, Part 15 of FCC Rules. See instructions if interference to radio reception is suspected.

(b) For personal computer systems incorporating several peripherals (computer input/output devices, terminals, etc.) or other computing devices, only one label on the main control unit is required. For a peripheral certificated as complying with the Class B limits and marketed separately, a label with the following information shall be permanently attached and conspicuously located on the equipment:

Certified to comply with the limits for a Class B computing device pursuant to Subpart J of Part 15 of FCC Rules. See instructions if interference to radio reception is suspected.

(c) For Class B computing devices subject only to verification of compliance by the manufacturer, the following or similar statement is optional:

Complies with the limits for a Class B computing device pursuant to Subpart J of Part 15 of FCC Rules.

[45 FR 24166, Apr. 9, 1980]

§ 15.838 Class B computing device: Information to user.

(a) Information shall be provided to the user of a Class B computing device about

The interference potential of the device
Simple measures that can be taken by the user to correct the interference.

This information shall be included in a conspicuous place in the instruction manual. This is not required for an extremely low power, miniature computing device, such as an electronic digital watch.

(b) The following language may be used to provide the required information, but any language that conveys the same meaning and can be understood by an average person without a technical education, may be used.

This equipment generates and uses radio frequency energy and if not installed and used properly, that is, in strict accordance with the manufacturer's instructions, may cause interference to radio and television reception. It has been type tested and found to comply with the limits for a Class B computing device in accordance with the specifications in Subpart J of Part 15 of FCC Rules, which are designed to provide reasonable protection against such interference in a residential installation. However, there is no guarantee that interference will not occur in a particular installation. If this equipment does cause interference to radio or television reception, which can be determined by turning the equipment off and on, the user is encouraged to try to correct the interference by one or more of the following measures:

Reorient the receiving antenna

Relocate the computer with respect to the receiver

Move the computer away from the receiver

Plug the computer into a different outlet so that computer and receiver are on different branch circuits.

If necessary, the user should consult the dealer or an experienced radio/television technician for additional suggestions. The user may find the following booklet prepared by the Federal Communications Commission helpful:

"How to Identify and Resolve Radio-TV Interference Problems".

This booklet is available from the U.S. Government Printing Office, Washington, DC 20402, Stock No. 004-000-00345-4.

(c) For personal computers the following warning statement shall be conspicuously located in bold letters in the instruction manual:

WARNING: This equipment has been certified to comply with the limits for a Class B computing device, pursuant to Subpart J of Part 15 of FCC Rules. Only peripherals (computer input/output devices, terminals, printers, etc.) certified to comply with the Class B limits may be attached to this computer. Operation with non-certified peripherals is likely to result in interference to radio and TV reception.

[44 FR 59543, Oct. 16, 1979, as amended at 45 FR 24166, Apr. 9, 1980]

§ 15.840 Computing device test procedures.

The procedure for testing computing devices is set forth in Appendix A of this Part, *FCC Methods of Measurement of Radio Noise Emissions From Computing Devices.* Tests of computing devices performed by the Commission will follow the above prescribed procedure.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23251, Apr. 24, 1981]

APPENDIX A—FCC METHODS OF MEASUREMENTS OF RADIO NOISE EMISSIONS FROM COMPUTING DEVICES

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1.0 Scope

This standard sets forth uniform methods of measurement of radio noise emitted from computing devices defined in § 15.4 of FCC Rules. The technical standards for computing devices are set forth in Subpart J of Part 15 of FCC Rules (47 CFR Part 15-J). Methods for the measurement of radiated and powerline conducted radio noise are covered herein. These methods of measurement will be used by the FCC in testing computing systems, computing devices, and units, sub-units, and peripheral devices intended to be used with computing devices. Applicants for certification of Class B computing devices should employ these methods. Parties required to conduct verification testing of computing systems should take note of these procedures insofar as they apply to testing of such systems so that the tests which they conduct can be expected to provide reasonable assurance that the resulting technical data will correlate with the results of tests conducted in accordance with this standard on such computing systems. Sampling testing of certified or verified computing devices of systems by the FCC will be conducted in accordance with these methods of measurement.

2.0 Reference Standard

The following shall form a part of this standard to the extent applicable: American National Standard Specifications for Electromagnetic-Interference and Field Strength Instrumentation, 10 kHz to 10 GHz, ANSI C63.2 (1980).

3.0 Definitions

The definitions in Parts 2 and 15 of FCC Rules and the following definitions shall apply to use of this standard.

3.1 Equipment Under Test (EUT)

A representative computing device or system, peripheral etc. being tested or evaluated.

3.2 Ambient Level

The magnitude of radiated or conducted signals and noise existing at a specific test location and time.

3.3 Emission

Electromagnetic energy produced by a device which is radiated into space or conducted along wires and is capable of being measured.

3.4 Ground Plane

A conducting surface used to provide uniform reflection of an impinging electromagnetic wave. Also, the common reference point for electrical potentials.

3.5 Line-Impedance Stabilization Network (LISN)

A network (sometimes called mains network) inserted in the supply mains lead of the EUT that provides a specified measuring impedance for radio-noise voltage measurement and isolates the EUT and the measuring equipment from the supply mains at radio frequencies.

3.6 Radio Noise

Electromagnetic energy in the radio frequency range that may be superimposed upon a wanted signal.

3.7 Radiated Radio Noise

Radio noise radiated into space. Such noise may include both the radiation and induction components of the field.

3.8 Conducted Radio Noise

Radio noise propagated from the device back into the public electrical power network via the supply cord.

3.9 Random Noise

Electromagnetic disturbance (noise) originating in a large number of discrete disturbances with random occurrences in time and amplitude. The term is most frequently applied to the limiting case where the number of transient disturbances per unit time is large, so that the spectral characteristics are the same as those of thermal noise (thermal noise and the shot noise are specified cases of random noise).

3.10 Narrowband Radio Noise

Radio noise having a spectrum exhibiting one or more sharp peaks, narrow in width compared to the nominal bandwidth of the measuring instrument, and far enough apart in frequency to be resolvable by the instrument.

3.11 Broadband Radio Noise

Radio noise having a spectrum broad in width as compared to the nominal bandwidth of the measuring instrument, and whose spectral components are sufficiently close together in frequency and uniform that the measuring instrument cannot resolve them.

4.0 General Test Conditions

4.1 Test Sites

An environment is required which assures valid, repeatable measurement results. A measurement is valid to the extent that it is a true representation of the characteristic being measured, and when the same measurement procedure yields repeatable results. For radiated measurements on representative samples of an equipment type, testing is normally conducted in an open field (see 4.1.1). Other alternatives are permitted (see 4.1.1.1 and 4.1.1.2). For equipment which can only be tested in its place of use, and the conditions of 4.1.1.1 cannot be satisfied, then the conditions of 4.1.2 shall apply. A description of the test facility used for testing computing devices subject to certification shall be filed with the Commission, pursuant to § 15.38 of the FCC Rules (47 CFR 15.38).

NOTE: A rulemaking proceeding in Docket 21371 proposes to replace § 15.38 with a new section in Part 2 of FCC Rules. The new section will include revised and expanded requirements including a measurement of the site attenuation of an open field test site. The method of making site attenuation measurements is also covered in Docket 21371.

4.1.1 Open Field Tests

Measurements of radiated radio noise should be made in an open, flat area characteristic of cleared, level terrain. Such test sites shall be void of buildings, electric lines, fences, trees, etc. and free from underground cables, pipelines, etc. except as required for the measuring equipment and the EUT.

NOTE: A metal fence or other reflecting object shall be sufficiently far from the site so as not to introduce additional unknown factors.

The distance between the device and the measurement antenna can be 3 to 30 meters. If the EUT occupies a volume of less than a meter cube, tests should preferably be made at a 3 meter distance. The distance from the EUT to the measuring antenna shall be measured from the closest part of the device or system (see 4.7). This distance will, of course, vary to some degree as the EUT is rotated, but if the variation is small compared to the measurement distance, the variation can for all intents and purposes be neglected. In other words, by testing small systems at 3 meters and large systems at between 3 and 30 meters, the variation in test distance due to EUT rotation can be ignored in most instances. Measurements made by the Commission will be performed on an open field test site.

4.1.1.1 Tests at Laboratory, Factory, or Other Facilities

Compliance with the FCC limits for computing devices shall be based on tests being made in an open field test site, or equivalent, unless measurements are made at the user's premises for a unique installation per Section 4.1.2. Where it can be shown that the results of tests made in a laboratory, factory, anechoic room, dedicated factory site or other facility are correlatable to those made in an open field site, such test results will be considered acceptable. Sufficient tests over the entire frequency range of 30 to 1000 MHz shall be made to demonstrate that the alternative site produces results that correlate with the results of tests made in an open field. In the event that the Commission tests a sample device, measurements will be made in an open field and the results so obtained will determine compliance.

4.1.1.2 Testing in a Shielded Enclosure

Radiation measurements made in a shielded enclosure are suitable only for determining the frequency profile of an EUT; they are not suitable for determining the actual levels of the emissions unless it can be shown that the results of tests made in the enclosure are correlatable to those made in an open field. Conducted radio noise measurements made in a shielded enclosure are acceptable and, in fact, are preferable.

4.1.2 Testing at User's Installation (On-Premises Testing)

Testing is permitted at the end user's premises, where the conditions of 4.1.1 or 4.1.1.1 cannot be satisfied. In this case, both the equipment and its location are considered the EUT. The radiated emission results are unique to the installation site because site containment properties affect the measurement. The conducted emanation results also may be unique to the installation. However, where testing of a given system has been accomplished at three or more representative locations, the results can be considered representative of all sites for purposes of determining compliance with emission requirements. See 4.7 and 6.3.

4.1.3 Individual Equipment Test Requirements

In some cases, it may be necessary to develop a set of explicit requirements specifying the test conditions, EUT operation, etc. to be used in testing a specific EUT or specific class of EUT's for radio noise emissions. Such requirements shall be documented in the report of measurements for the EUT and may be used in determining compliance with FCC limits. It would be advisable to obtain concurrence from the Commission that the special requirements and procedures to be followed are satisfactory before actually performing the measurement.

4.2. Measurement Instrumentation

Measurements of a radiated and conducted radio noise shall be made with a radio noise meter conforming to the American National Standard Specifications for Electromagnetic Interference and Field Strength Instrumentation 10 kHz to 10 GHz, C63.2 (1980). Alternatively, a spectrum analyzer may be used as the measuring instrument: *Provided*, That it is used, when necessary, with appropriate accessories to provide sufficient sensitivity and overload protection to insure accurate, repeatable measurements of all emissions over the specified frequency range. Other instruments may be used for certain restricted and specialized measurements when data so measured is correlated to that achieved with C63.2 instrumentation.

NOTE: Accessories needed would depend upon the measurement situation and could include preamplifiers for sensitivity improvement, filters and/or attenuators for overload protection, and additional quasi-peak detection circuitry. Overload is defined as harmonic distortion, intermodulation, or gain compression of spectrum analyzer input signals. Precaution may have to be taken to insure that the spectrum analyzer operates linearly before taking final measurements. Consult user's manual for instructions and guidance. Application notes on the use of spectrum analyzers and other instruments are also available from several manufacturers.

4.2.1 Measuring Instrument Calibration

The calibration of the measuring instrument, including any accessories that may affect such calibration, shall be checked frequently enough to assure its accuracy. Adjustments shall be made and correction factors applied in accordance with instructions contained in the manual for the measuring instrument.

4.2.2 Detector Function Selection and Bandwidth

During radiated emission testing, radio noise meters, or spectrum analyzers which include weighting circuits, shall have the detector function set to the CISPR quasi-peak function. The 6 dB bandwidth of the measuring instrument shall not be less than 100 kHz for field strength measurements over the frequency range of 30 to 1000 MHz. During conducted voltage testing, radio noise measuring instruments shall have the detector function set to the CISPR quasi-peak function. The 6 dB bandwidth of the necessary measuring instrument shall not be less than 9 kHz over the frequency range 450 kHz to 30 MHz. Post detector video filters, if used, shall be wide enough not to affect the peak detector reading. Alternatively, field strength meters and spectrum analyzers without CISPR weighting circuits may be employed, provided measurements are made on the peak basis, and recorded as observed (without any presumed correction for the difference between CISPR quasi-peak and peak detector function).

NOTES

1. The above specified bandwidths have tolerances as prescribed in ANSI standard C63.2-1980.

2. If bandwidths greater than those expressed in 4.2.2 are used, higher readings may result for EUT's with broadband emanations.

3. Data taken with measuring instrumentation employing logarithmic amplifiers when using the average function will represent the average of the logarithm of the voltage level. If the emanation observed is pulsed, broadband observed values will be materially lower than the true average of voltage. Instrument overload is likely to occur with linear IF systems if the emission pulse duty cycle is less than that for which the measuring instrumentation is rated. Data correction for spectrum analyzer observations should include corrections for pulse desensitization factor; with this correction applied to peak indications, if the duty cycle is known or can be measured, average values of emanations can be calculated.

4. For line conducted tests, if the equipment exhibits emissions which exceed the limit under the above specified conditions the following option may be exercised. The measurements may be made in the average mode with a 9 kHz minimum bandwidth. If the signal level in average mode is significantly less than in peak or quasi-peak mode, the emission is considered broadband and the quasi-peak valve may be reduced by 13dB for comparison to the limit.

4.2.3 Units of Measurement

Measurements of radiated interference shall be reported in terms of microvolts per meter, or dB (uV/m *at a specified distance.* The indicated readings on the radio noise meter or spectrum analyzer shall be converted to microvolts per meter, or dB (uV/m) by use of appropriate conversion factors. Measurements of conducted interference shall be reported in terms of microvolts or dB (uV). Measured data may be presented in tabular or graphical form. Alternatively, recorder charts from automatic measuring equipment or photographs of spectrum analyzer displays may be used, providing that the calibration levels, in terms of uV/m or dB (uV/m) are shown on such charts or photographs.

4.2.4 Antennas

A calibrated, tuned half-wave dipole antenna is preferred for measuring the level of radiated emissions. Other linearly polarized antennas are acceptable provided the results obtained with such antennas are correlateable to levels obtained with a tuned dipole. The antenna shall be capable of measuring both horizontal and vertical polarizations. For measurement distances of up to 10 meters the height of the antenna for horizontal polarization shall be capable of being varied from 1 to 4 meters. At measurement distances of 10 meters and beyond, for horizontal polarization the antenna shall be capable of being varied from 2 to 6 meters. In the case of vertical polarization of the antenna, the maximum heights stated for horizontal polarization apply (as measured to the center of the antenna); however, the minimum height should be increased so that the lowest point of the bottom end of the dipole (or other antenna), at any frequency, clears the site ground surface by approximately 25 cm. Over the frequency range of 30 to 1000 MHz, the Commission will use tuned half wave dipole antenna for compliance testing.

4.2.5 Preliminary Testing and Monitoring

Preliminary radiated measurements should be made indoors, preferably in an enclosure, at a closer distance than specified for compliance, to determine the emission characteristics of the EUT. It is suggested that where a radio noise meter is used for this spectrum search that either a headset or loudspeaker be connected as an aid in detecting ambient signals and finding frequencies of significant emission from the EUT. Precautions shall be taken to ascertain that the use of a headset or loudspeaker does not affect the radio noise meter indication during testing. The arrangement of EUT units and cabling should be varied as necessary (within the scope of arrangements likely to be encountered in actual use) to ascertain to what extent this affects the emanations, in frequency, strength, and directivity of radiation. Adequate notes should be kept, both as to EUT arrangement and the frequency and strength of significant emissions, to assure that the final tests made on the test site will represent the worst-case emanation potential of the EUT.

4.3 Frequency Range To Be Scanned

For radiation measurements, the frequency range from 30 MHz to 1000 MHz shall be searched. For conducted measurements, the frequency range from 450 kHz to 30 MHz shall be searched. The six highest emissions relative to the appropriate limit shall be measured and reported. To facilitate testing with a radio noise meter, the frequency range covered in the particular test should be scanned while monitoring with headset or loudspeaker. If any indicated peaks appear while scanning, readings shall be taken at the frequencies where they occur. The scan rate shall be such that noise signals above radio noise meter sensitivity threshold are not omitted from detection.

NOTE: Automatic scan techniques are acceptable but the maximum scan speed is limited by the response time of the measuring system and (where applicable) the repetition rate of the radio noise to be measured.

4.4 Data Reporting Format

The measurement results expressed in accordance with 4.2.3 and specific limits where applicable, shall be presented in tabular or graphical form, or alternatively as recorder charts or photographs of spectrum analyzer display, showing the level vs. frequency. Since alternate test methods are provided, test data must identify the methods used. Instrumentation, instrument attenuator and bandwidth setting, detector function, EUT arrangements, a sample calculation with all conversion factors and all other pertinent details shall be included along with the measurement results.

NOTE.—In the case of devices required to be certificated, refer also to Part 2 (§§ 2.909, 2.925, 2.926, 2.1033) and Part 15 (Sections 15.38, 15.44, 15.45, 15.46, and 15.79) for general provisions applicable to all applications for certification.

4.5 Configuration of Equipment Under Test (EUT)

It is recommended that all multi-unit systems be tested first as a basic system, consisting of the system controller plus one peripheral of each type proposed for use with that controller. Additional peripherals may then be tested with the basic system as a host system or with a simulator or exerciser. In the latter case, the simulator or exerciser should first be tested to assure that its shielding, etc. are adequate to assure that its contribution to the emanations of the EUT/simulator combination are insignificant. If the computing device is designed to be connected to multiple peripherals all of which are identical, it is only necessary to perform tests with one of that type peripheral connected.

4.5.1 Test Conditions for EUT

The equipment under test (EUT) shall be configured and operated in a manner which tends to maximize its emission characteristics in a typical application. Power and signal distribution, grounding, interconnecting cabling and physical placement of equipment or equipments of a test system shall simulate the typical application and usage in so far as practicable. The EUT shall be furnished with rated (nominal) voltage as specified in the individual-equipment power requirements. The power supplied to the EUT may need to be filtered to meet the requirements of 4.6.1.

4.5.2 Operating Conditions

The EUT shall be operated at the specified load conditions (mechanical and/or electrical) for which it is designed. Loads may be actual or simulated as described in the individual equipment requirements.

4.5.3 Conditioning of the EUT

The EUT shall be operated for a sufficient period of time to approximate normal operating conditions.

4.5.4 Interfacing Units and Simulators

In case the EUT is required to interact functionally with other units, either the actual interfacing units or simulators may be used to provide representative operating conditions, provided the effects of the simulator can be isolated or identified. It is important that any simulator used in lieu of an actual interfacing unit properly represent the electrical, and in some cases the mechanical, characteristics of the interfacing units, especially concerning RF signals and impedances.

If the EUT is a peripheral device being separately measured for compliance to a limit on radio noise, the EUT must be tested with at least one host computer or simulator in a typical configuration. It is not necessary to test the EUT with all possible host computers or in all potential configurations.

Interconnecting cables should be of the type and length specified in the individual equipment requirements. If the length may vary, tests should be made with two sets of cables, one with all cables of the shortest length proposed, the other with all cables of the longest length for which the EUT is rated. Excess length of cables should be bundled at the approximate center of the cable, with the bundle 30 to 40 cm in length.

4.5.5 EUT Grounding

The EUT shall be grounded in accordance with the manufacturer's requirements and conditions of intended use. If the EUT is operated without a ground connection, it shall be tested ungrounded. When the EUT is furnished with a grounded terminal or internally-grounded lead, and when this terminal or lead is used in actual installation conditions, the ground lead or connection shall be connected to a ground plane (or facility for earth ground), simulating actual installation conditions. Any internally-grounded lead included in the plug end of the line cord of the EUT shall be connected to ground through the utility power service (see also 5.1 and 5.4).

4.6 Test Environment

The environment at the test site should satisfy the following conditions:

4.6.1 Ambient Radio Noise and Signals

It is desirable that the conducted and radiated ambient radio noise and signal levels, measured at the test site with the test sample de-energized, be at least 6 dB below the allowable limit of the applicable specification or standard. However, in the event that the measuring levels of the ambient plus EUT radio noise emissions are not above the applicable limit, the EUT shall be considered to be in accordance with the limit.

If the ambient field or the power line ambient level at some frequencies within the specified measurement ranges exceeds the applicable specification limit(s), other test methods may be used to show EUT compliance. The following would constitute some of the acceptable alternatives:

- Perform measurements at closer than the specified distances and extrapolate the result(s) to the specified limit distance using an inverse distance linear attenuation factor.
- Perform measurements of critical frequency bands during hours when broadcast stations may be off the air and industrial ambients are lower.
- Resort to measurement in an enclosure or anechoic room (see 4.1.1.1 and 4.1.1.2 for conditions of use). Measurements made in a shielded (metal) enclosure are normally not acceptable for the purpose of determining compliance. However, by making observations in such enclosure to observe the relative levels of the emissions affected by ambient interference and also other EUT emissions in the same general frequency range, these observations taken together with measurements on the test site (at reduced bandwidth where necessary) can enable reasonably accurate determination of the strength of the EUT emissions affected by ambient interference.
- Insert line filters between the power source and the LISN or between the power source and the EUT as appropriate for the particular measurement.

NOTE: In orienting the axis of a test site, it is desirable to consider the directions of strong ambient signals, so that the orientation of the receiving antenna on the site discriminates against such signals insofar as possible.

4.6.2 Temperature

The ambient temperature of the testing location should preferably be within the range of 10 to 40 degrees C. (50 to 104 degrees F) unless the individual equipment requirements specify testing over a wider temperature range. Measurements made in temperatures outside these limits may be accepted, provided the EUT, radio noise meters, all indicating devices, and equipment are at the testing location sufficiently long that their temperature become stabilized with respect to the temperature of the testing location. Evidence shall be given so that the calibrations of the measuring instruments used are accurate at the temperatures at which they are used.

4.7 Arrangements of EUT (on Test Site)

The EUT shall be arranged to the extent practical in a manner which simulates actual use, with the several units placed as nearly as possible in the worst-case setup found in preliminary tests per paragraph 4.2.5. An EUT which is normally operated on a table shall be placed on a non-conducting table having a height of 1 meter above test site ground level. For ease of testing, the table may be placed on a rotatable platform, in which case the total height of the table plus the platform shall be approximately 1 meter above test site ground level. If the platform is elevated, it should be nonconducting to the maximum extent practicable. In the event that all the units or peripherals of an EUT system will not fit on the table, one or more of these may be placed on non-conductive shelves below the table top, using the minimum spacing below the top for their placement. In selecting units for placement on the shelf, first preference should be given to those normally not requiring frequent attention.

For an EUT normally placed on the floor, the equipment should, if practicable, be placed on a rotatable platform. If the platform is elevated it should be non-conducting to the maximum extent practicable and have a height of not more than 0.5 meters above ground level.

The EUT shall be located in the center of the platform. If the EUT consists of two or more units, these shall be arranged around the center of the platform consistent with actual use, placed as nearly as possible in the worst-case setup found in preliminary test per paragraph 4.2.5.

Power and signal distribution, grounding, interconnecting cables and physical placement of the units should simulate as nearly as possible typical application and use. Starting with the worst-case setup found in paragraph 4.2.5 the arrangement of units and interconnecting cables should be varied (within the range of positions likely to occur in actual use) to maximize the strength of the strongest emission of those present (using data from the paragraph 4.2.5. tests as guidance). A sufficient number of arrangements shall be investigated to insure that the maximum radiation is measured.

The horizontal distance between the measuring set antenna and the EUT shall be measured from the closest point of the device or system, as determined by the boundary defined by an imaginary straight line periphery describing a simple geometric configuration enclosing the EUT system. All intra-system cables and connecting devices shall be included within this boundary. Excess length of cables shall be bundled at the approximate center of each cable by folding back and forth so as to form a bundle not exceeding 30 cm to 40 cm in length. For a Class B computing device, radiation measurements may be made at any distance between 3 and 10 meters provided the results are extrapolated to 3 meters using the inverse distance linear relationship; for a Class A computing device radiation measurements may be made at any distance between 3 and 30 meters and the data extrapolated to 30 meters using the inverse distance linear relationship. (See 6.2)

For an EUT located at the user's premises, measurements should be made at the appropriate limit distance measured horizontally from the boundary described by an imaginary straight line periphery describing a simple geometric boundary that encompasses all EUT units. All EUT units and connecting cabling should be within the boundary. Where measurements at the greater limit distance (e.g., 30 meters) are impractical, measurements may be made at lesser distance (e.g., 3 or 10 meters) and extrapolated to 30 meters according to the inverse distance linear relationship.

4.8 Ground Plane

A ground screen is desirable, but not mandatory. It is pointed out, however, that open field sites are likely to need a ground screen to meet the quality standards contemplated in FCC Docket 21371 to be set forth in Part 2, Subpart J of the FCC Rules, when any of the following conditions exist at the site: the terrain is discontinuous, the terrain is subject to extreme seasonal variations in ground conductivity; there are unburied power or control cables; the site is located on pavement.

4.8.1 Testing at User's Installation (On-Premise Testing)

A ground plane need not be installed for testing at a user's installation unless it is to be a permanent part of the installation. If a ground plane is used, it shall be electrically bonded to the utility ground as specified in 4.8.

5.0 Conducted Powerline Measurements

Unless otherwise specified, measurements shall be made to determine the line-to-ground radio noise voltage which is conducted from the EUT power-input terminals that are directly connected to a public power network. The measurements are to be made with the EUT connected to such network thru a nominal, standardized RF impedance, which is to be provided by a line-impedance stabilization network. A network must be inserted in series with each current-carrying conductor in the EUT power cord.

NOTE: It is recommended that conducted powerline measurements be made before measurements of radiated emissions, because this procedure is carried on indoors, requires rather little time as compared to radiation measurements, and can give some assurance that the shielding of the EUT is reasonably effective (at least at the lower frequencies).

5.1 Conducted Powerline Test Configurations

The EUT shall be placed at least 40 centimeters from an earth grounded conducting surface approximately 2 meters square unless it is floor standing and shall be kept at least 80 centimeters from any other earthed conducting surface. If the measurement is made in a shielded enclosure, the distance of 40 centimeters may be referred to one of the walls of the enclosure.

If the EUT is supplied without a flexible power lead, it shall be placed at a distance of 80 centimeters from the LISN's (or mains outlet where LISN's cannot be used) and connected thereto by a lead of length not greater than 1 meter.

If the EUT is supplied with a flexible lead, the voltage shall be measured at the plug end of the lead. The length of the lead in excess of the 80 centimeters separating the EUT from the LISN's (or mains outlet where LISN's cannot be used) shall be folded back and forth so as to form a bundle not exceeding 30 to 40 centimeters in length.

If the EUT is normally operated in the hand, measurements shall be made as if it is normally operated while placed on a table or desk. Measurements of power line conducted emanations are not required for devices capable of being operated only from internal batteries. If the EUT is fitted with a connection for operation directly or via separate transformer or power supply from public utility lines, measurements of power line conducted emanations shall be made.

When computing devices or their peripherals have their own provision for connection to a power line, line conducted tests must be performed separately for each device.

5.2 Line Probe

A line probe may be used for voltage measurements under certain conditions (see 5.6). If an appropriate LISN which satisfies the impedance requirements of Figure 2, having the current capacity of the EUT is not commercially available, the method shown in Figure 4 may be used. The measurements should be made between each current-carrying conductor in the supply mains and the ground conductor with a blocking capacitor C and a resistor such that the total resistance between line and ground is 1500 ohms. Since the line probe attenuates the radio noise voltage, appropriate calibration factors must be added to the measured values. Measurement results with the appropriate LISN shall take precedence over the method shown in Figure 4.

5.3 Line-Impedance Stabilization Network

A line-impedance stabilization network (LISN) having an impedance characteristic within the limits shown in Figure 2 is required for conducted radio noise measurements. Figure 3 shows a network which will provide the specified impedance over the frequency range 0.45-30 MHz. A coaxial-type connector shall be provided for connection of the measuring instrumentation by means of a 50-ohm terminating resistance across the 1000-ohm resistor. Provisions shall be made for electrically bonding the LISN enclosure to the ground plane used (see 4.8). If a direct bond is not possible, for instance with concrete floors, a metal sheet approximately 2 meters square shall be placed under the LISN and electrically bonded to the LISN by a short low impedance connection.

NOTE: LISN's designed to comply with the impedance characteristic of Figure 2 are not yet readily available on the market. As an interim measure, 5 microhenry LISN's may be used, provided that the readings obtained using these networks are increased by adding a correction to obtain a value equivalent to that which would have resulted had a 50 microhenry network been used in the measurement. This correction varies from +10 dB at 450 kHz to 0 dB at 2 MHz; values for frequencies between these limits may be obtained by reference to Figure 5. No correction is required above 2 MHz. This correction is based upon the relative impedance values of the 50 and 5 microhenry LISN networks in the range 450 kHz-30 MHz, and a presumption that the source of the EUT power conductors in this range is low as compared to that of the networks.

5.4 Grounding

The LISN housing, measuring instrumentation case, ground plane, etc., shall be electrically bonded together in such a manner that they are at the same RF potential.

5.5 Measurement Procedure

Measurements of powerline conducted radio noise shall be expressed as the voltage developed across the 50-ohm port terminated by a 50-ohm measuring instrument. All voltage measurements shall be made at the plug end of the EUT power cord, e.g., by the use of mating plugs and receptacles on the EUT and LISN.

5.5.1 EUT Power Leads

All EUT input power leads, except ground leads, shall individually be connected through LISN's to the input power source. All unused 50-ohm connectors of the LISN's shall be resistively terminated in 50-ohms when not connected to the measuring instrument.

5.5.2 Shielded Power Leads

Equipment normally used with unshielded power leads shall be connected to the LISN and tested with unshielded leads. If the EUT is normally operated with shielded or armored leads, the tests shall be made using such leads.

5.6 Conducted Emission Tests at User's Installation (On-Premises Testing)

Testing for powerline conducted radio-noise is permitted at the user's installation site, provided that no disturbance to the normal EUT installation exists, except to make provisions for connection of the 1500-ohm line probe specified in 5.2 and Figure 4. Special precautions must be taken to establish a reference ground for the measurements. No LISN shall be used. The measurements are dependent on the impedance presented by the supply mains and may vary with time and location due to variations in the supply-mains impedance. (It may be necessary to perform repeated measurements over a suitable period of time to determine the variation in measured values. The time period should be sufficient to cover all significant variations due to operating conditions at the installation.) Such measurement results should be regarded as unique to that EUT and installation environment.

6.0 Radiated-Emission Measurements

Measurements of radiated radio-noise shall be made using the measuring instrumentation and antennae specified in 4.2 and 4.2.4, respectively. Radiation from the EUT including radiation from all signal and power cabling shall be measured. Consistent with Section 4, above, the EUT shall be set up and operated in a manner representative of actual use.

6.1 Determination of Test Radial

Radiated emission magnitudes shall be obtained in the azimuthal direction of maximum field strength for each predominate emission.

It is preferable to rotate the EUT to determine the direction of maximum field strength. A turntable arrangement may be used for convenience.

For large, heavy, and stationary electric equipment not readily rotated, the measuring instrument and test antenna may be moved around the EUT at as many points as are necessary to determine the direction of maximum field strength for each predominate emission. Parties making measurements on test sites where the EUT is not rotated should understand that the minimum clearances for a test site with rotatable platform are not applicable; instead, the minimum clearance distance for a test site without a platform is changed to a circular area centered on the EUT location and having a diameter of 3 times the maximum distance between the measuring set antenna and closest point of the EUT.

Whether the EUT is to be tested on a test site with a turntable or is to be left fixed with the measurement antenna moved around it, it is suggested that preliminary tests be made, preferably indoors rather than on the test site, to determine the system spectrum signature, the strengths of the stronger emissions, and the directions in which these emerge from the system. During this testing, EUT arrangement should be varied within the scope of expected usage to maximize radiation. As provided in paragraph 4.5.3, if lengths of interconnecting cables may vary, tests should be made with one set each of the shortest and longest cables expected to be used, with excess cable length bundled. Using this experimental data as a guide for EUT arrangement, measurements then may be made on the test site. Where the EUT is not rotated on the site, measurements should be made of the strength of each of the emissions noted in the preliminary tests in the azimuthal direction determined in those tests.

6.2 Radiated Radio Noise Tests

Radiated radio noise measurements shall be made at one of the test sites described in 4.1, above. An EUT subject to a radiated limit at 3 meters, shall be measured at a distance of 3 meters, unless impractical because of size of the equipment, location, etc., in which case measurements may be made at a further distance up to 30 meters and the results extrapolated inwards utilizing an inverse distance extrapolation factor (i.e., 20 dB/decade). Equipment subject to a limit at 30 meters may be measured at a distance of from 3 to 30 meters provided that the results are extrapolated to equivalent signal at 30 meters utilizing an inverse distance extrapolation factor (20 dB/decade). At test distances between 3 meters and 10 meters the antenna shall be varied in height between 1 meter and 4 meters above ground, to determine the maximum level of emissions within this range. Beyond 10 meters, to find the maximum signal level the antenna height shall be varied between 2 and 6 meters above ground. Both horizontal and vertical orientation of the search antenna shall be employed and maximum values reported. For vertical polarization the bottom end of the dipole shall be kept at least 25 cm above site ground per paragraph 4.2.4.

At sites other than open field, it is permissible to replace continuous variation of antenna height with setting the antenna at one or more fixed heights, provided that it can be shown that equivalent results are obtained.

A typical test configuartion for open-field and alternative sites is shown in Figure 1. The LISN, installed for the powerline conducted radio-noise measurements, may be left in place for radiated emission tests.

6.2.1 Electromagnetic Field: 30 MHz to 1 GHz

Any equipment or device to which it is applicable shall be measured for radiated emissions from all units, cables, power lines and interconnecting wiring.

Antenna position in azimuth shall be varied during the measurement in order to determine maximum field strength. Measurement shall be made at the azimuth such that the maximum radiation levels will be detected.

The antenna(s) specified in 4.2.2, above, preferably shall be positioned at the specified distance from the EUT for the duration of this test. Other test distances may be used and data extrapolated to specified distance per paragraph 6.2. Tests shall be made in both the horizontal and vertical planes of polarization.

The area of maximum radiation from the EUT may be initially determined by scanning the power leads and the equipment using the radio noise meter in conjunction with a short electric field antenna at a closer distance.

For record keeping purposes only the maximum emanations observed during the tests need be recorded and maintained in the permanent record file.

6.3 Radiated Emission Tests at User's Installation (On-Premises Testing)

Testing of the installed EUT may be performed at the end-user's installation with the results generally regarded as unique to the EUT and installation environment. However, where testing has been accomplished at three or more representative locations, the results can be considered representative of all sites for purposes of determining compliance with emanation limits. If no detailed instructions are given in the individual equipment requirements, measurements shall be made to locate the radial of maximum emission at a distance 30 meters from the equipment being tested. Where measurements at the 30 meter distance from the EUT are impractical, measurements may be made at lesser distances and extrapolated to the 30 meter distance from the EUT. A LISN shall not be used for testing of the user's installation in order that the measured radio noise voltage be representative of the specific site. Preliminary measurements of EUT spectrum signature directions of radiation may be made per paragraph 6.1.

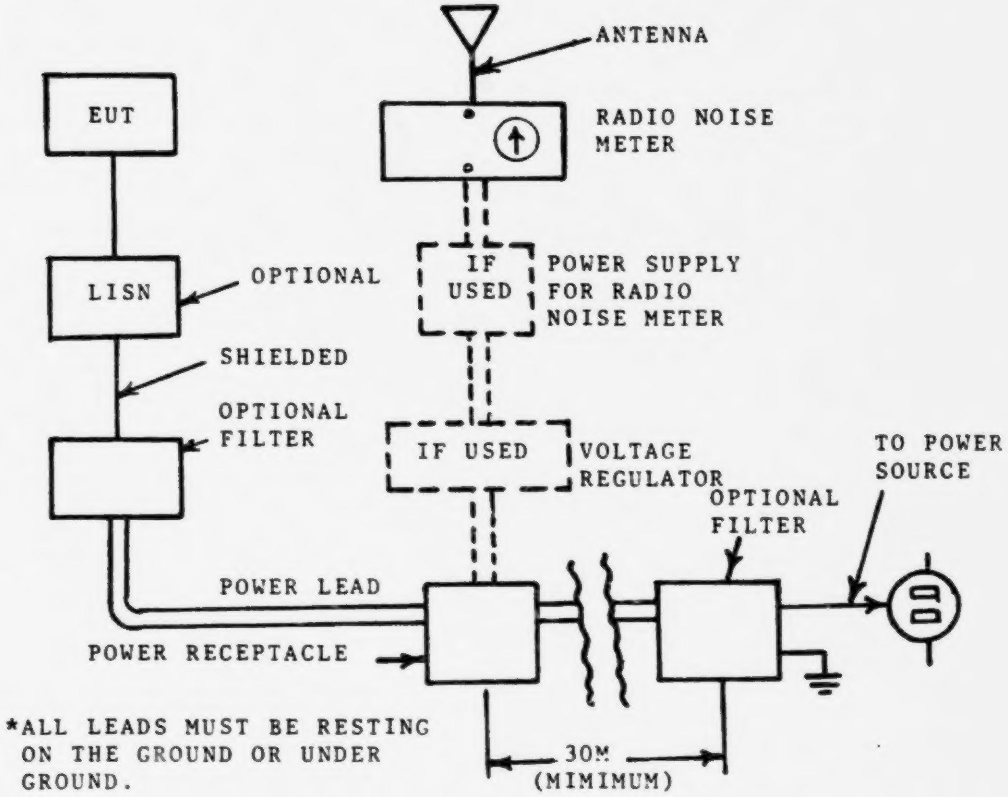
ANTENNA
EUT
RADIO NOISE METER
LISN
OPTIONAL
IF USED
POWER SUPPLY FOR RADIO NOISE METER
SHIELDED
OPTIONAL FILTER
IF USED
VOLTAGE REGULATOR
TO POWER SOURCE
OPTIONAL FILTER
POWER LEAD
POWER RECEPTACLE
*ALL LEADS MUST BE RESTING ON THE GROUND OR UNDER GROUND.
30M (MIMIMUM)

FIGURE 1-SUGGESTED LAYOUT FOR OPEN-FIELD TESTS

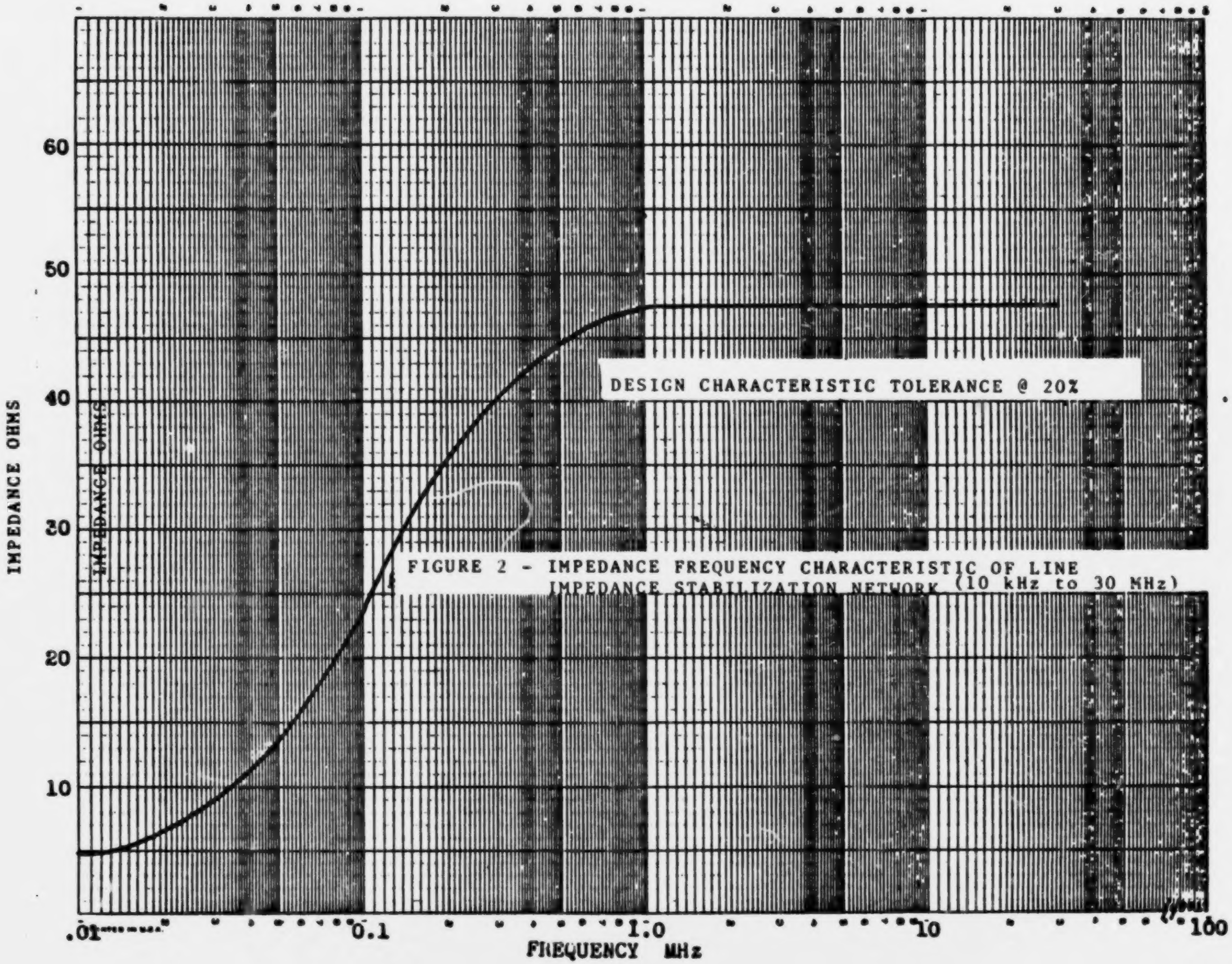

FIGURE 2 - IMPEDANCE FREQUENCY CHARACTERISTIC OF LINE IMPEDANCE STABILIZATION NETWORK (10 kHz to 30 MHz)

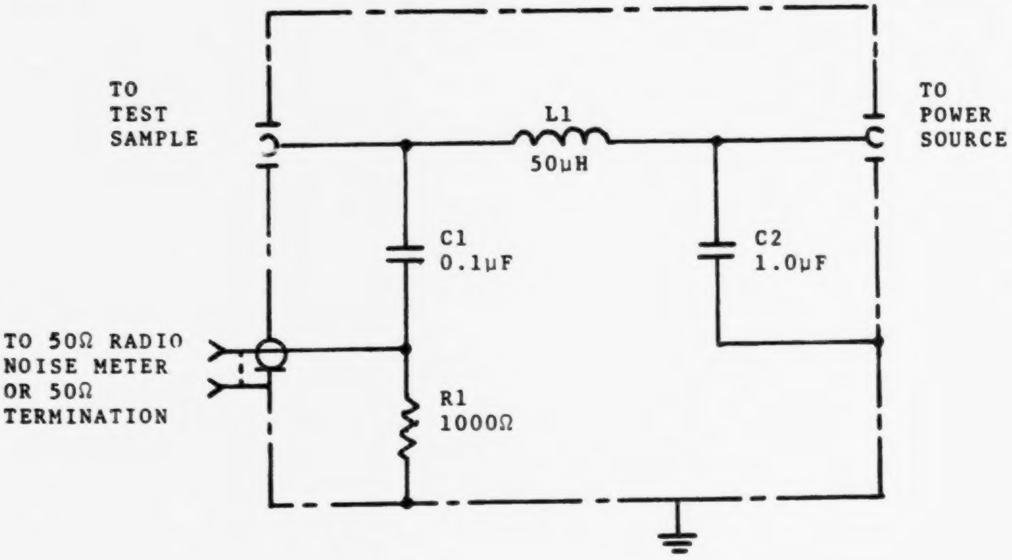
TO
TEST
SAMPLE
L1
50μH
TO
POWER
SOURCE
C1
0.1μF
C2
1.0μF
TO 50Ω RADIO
NOISE METER
OR 50Ω
TERMINATION
R1
1000Ω

FIGURE 3-CIRCUIT DIAGRAM OF LISN TO PROVIDE IMPEDANCE OF FIGURE 3 FOR THE 0.45-30 MHz FREQUENCY RANGE

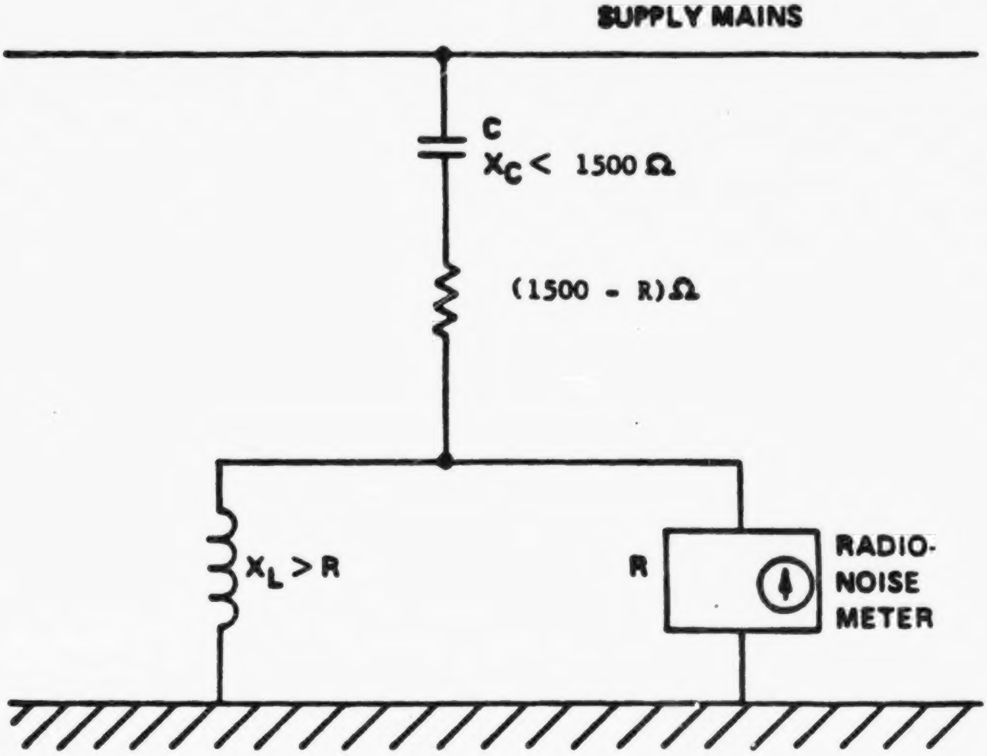
SUPPLY MAINS
C
$X_C < 1500\,\Omega$
$(1500 - R)\,\Omega$
$X_L > R$
R
RADIO-
NOISE
METER

FIGURE 4 LINE PROBE FOR TESTS AT USER'S INSTALLATION

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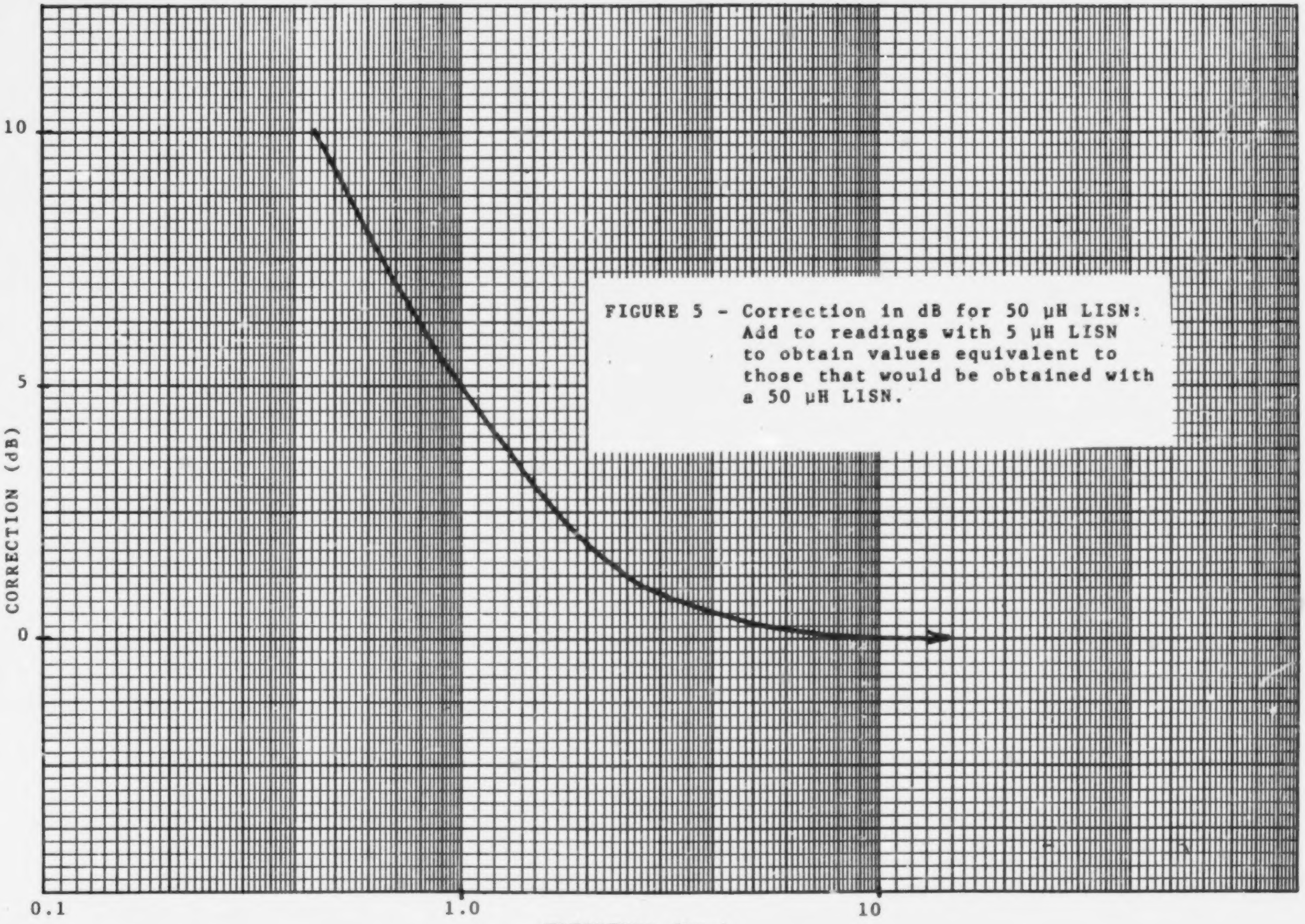

FIGURE 5 - Correction in dB for 50 μH LISN: Add to readings with 5 μH LISN to obtain values equivalent to those that would be obtained with a 50 μH LISN.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23251, Apr. 24, 1981]

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

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17.2 Definitions.
17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

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17.8 Establishment of antenna farm areas.
17.9 Designated antenna farm areas.
17.10 Antenna structures over 304.80 meters (1,000 feet) in height.
17.14 Certain antenna structures exempt from notification to the FAA.
17.17 Existing structures.

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17.21 Painting and lighting, when required.
17.22 Particular specifications to be used.
17.23 Specifications for the painting of antenna structures in accordance with § 17.21.

AVIATION RED OBSTRUCTION LIGHTING

17.24 Specifications for the lighting of antenna structures up to and including 45.72 meters (150 feet) in height.
17.25 Specifications for the lighting of antenna structures over 45.72 meters (150 feet) up to and including 91.44 meters (300 feet) in height.
17.26 Specifications for the lighting of antenna structures over 91.44 meters (300 feet) up to and including 137.16 meters (450 feet) in height.
17.27 Specifications for the lighting of antenna structures over 137.16 meters (450 feet) up to and including 182.88 meters (600 feet) in height.
17.28 Specifications for the lighting of antenna structures over 182.88 meters (600 feet) up to and including 228.60 meters (750 feet) in height.
17.29 Specifications for the lighting of antenna structures over 228.60 meters (750 feet) up to and including 274.32 meters (900 feet) in height.

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17.30 Specifications for the lighting of antenna structures over 274.32 meters (900 feet) up to and including 320.04 meters (1,050 feet) in height.
17.31 Specifications for the lighting of antenna structures over 320.04 meters (1,050 feet) up to and including 365.76 meters (1,200 feet) in height.
17.32 Specifications for the lighting of antenna structures over 365.76 meters (1,200 feet) up to and including 411.48 meters (1,350 feet) in height.
17.33 Specifications for the lighting of antenna structures over 411.48 meters (1,350 feet) and up to and including 457.20 meters (1,500 feet) in height.
17.34 Specifications for the lighting of antenna structures over 457.20 meters (1,500 feet) up to and including 502.92 meters (1,650 feet) in height above the ground.
17.35 Specifications for the lighting of antenna structures over 502.92 meters (1,650 feet) up to and including 548.64 meters (1,800 feet) in height.
17.36 Specifications for the lighting of antenna structures over 548.64 meters (1,800 feet) up to and including 594.36 meters (1,950 feet) in height
17.37 Specifications for the lighting of antenna structures over 594.36 meters (1,950 feet) up to and including 640.08 meters (2,100 feet) in height
17.38 Specifications for the lighting of antenna structures over 640.08 meters (2,100 feet) in height.

HIGH INTENSITY WHITE OBSTRUCTION LIGHTING

17.39 Specifications for the high intensity lighting of antenna structures having a skeletal tower up to and including 91.44 meters (300 feet) in height.
17.40 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 91.44 meters (300 feet) up to and including 182.88 meters (600 feet) in height.
17.41 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 182.88 meters (600 feet) up to and including 304.80 meters (1000 feet) in height.
17.42 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 304.80 meters (1000 feet) in height.
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17.45 Temporary warning lights.
17.47 Inspection of tower lights and associated control equipment.
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17.49 Recording of tower light inspections in the station record.
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17.56 Maintenance of lighting equipment.
17.57 Report of radio transmitting antenna construction, alteration and/or removal.
17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 309, 48 Stat. 1081, 1085 as amended; 47 U.S.C. 301, 309.

Subpart A—General Information

§ 17.1 Basis and purpose.

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to issue licenses for radio stations when it is found that the public interest, convenience, and necessity would be served thereby, and to require the painting, and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of the rules in this part is to prescribe certain procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses. The standards were developed in conjunction with the Federal Aviation Administration (FAA).

[32 FR 11268, Aug. 3, 1967]

§ 17.2 Definitions.

(a) *Antenna structures.* The term antenna structures includes the radiating and/or receive system, its supporting structures and any appurtenances mounted thereon.

(b) An antenna farm area is defined as a geographical location, with established boundaries, designated by the Federal Communications Commission, in which antenna towers with a common impact on aviation may be grouped.

[32 FR 8813, June 21, 1967, and 32 FR 11268, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974]

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

(a) Except as provided in paragraph (h) of this section, all applications are reviewed to determine whether there is a requirement that the applicant file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration.

(b) Whenever applications require the filing of a notice of proposed construction or alteration [FAA Form 7460-1] the applicant will be advised to do so unless the application includes an FCC Form 714 certifying that notification has been submitted to FAA or the application form itself specifically supplies all of the information which would be provided on FCC Form 714.

(c) All applications which do not require the filing of FAA Form 7460-1 with the FAA will be deemed not to involve a hazard to air navigation and will be considered by the Commission without further reference to the FAA.

(d) Whenever a "no hazard determination" is received from the FAA concerning any proposed antenna structure, the antenna structure is deemed not to involve a hazard to air navigation and the antenna aspect of the application for radio station authorization will be processed accordingly: *Provided,* That the FAA "no hazard determination" has not expired.

(e) Whenever a report is received from the FAA indicating that a proposed antenna structure is a hazard, the Commission will take further appropriate action.

(f) Applications which show on their face that the antenna structure will extend more than 6.10 meters (20 feet) above the ground or natural formation or more than 6.10 meters (20 feet) above an existing manmade structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to FAA or the application form itself shall specifically supply all of the information which would be provided on the FCC Form 714.

(g) In addition to the other requirements of this part of the rules, each application for a radio station authorization shall include such information regarding proposed antenna construction as may be required by the FCC. Such information is to be supplied on the FCC application form specified in the rules pertaining to the radio service in which application is being made or as may otherwise be required.

(h) Applications for amateur radio station licenses and RACES station licenses are not reviewed for antenna structure approval. Applicants and licensees in those services may not erect or use an antenna which exceeds the height limitations contained in §§ 17.7 and 17.14 of this chapter unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on FCC Form —— and prior approval by the Commission has been obtained.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[32 FR 11268, Aug. 3, 1967, as amended at 34 FR 6481, Apr. 15, 1969; 42 FR 54823, Oct. 11, 1977; 46 FR 10916, Feb. 5, 1981]

Subpart B—Criteria for Determining Whether Applications for Radio Towers Require Notification of Proposed Construction to Federal Aviation Administration

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each airport specified in paragraph (d) of this section with at least one runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each airport specified in paragraph (d) of this section with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (d) of this section.

(c) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

(d) Any construction or alteration on any of the following airports (including heliports):

(1) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(2) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that the airport will be available for public use.

(3) An airport that is operated by an armed force of the United States.

NOTE: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

[39 FR 7581, Feb. 27, 1974, as amended at 39 FR 26157, July 17, 1974; 42 FR 54823, Oct. 11, 1977; 42 FR 57127, Nov. 1, 1977]

§ 17.8 Establishment of antenna farm areas.

(a) Each antenna farm area will be established by an appropriate rule making proceeding, which may be commenced by the Commission on its own motion after consultation with the FAA, upon request of the FAA, or as a result of a petition filed by any interested person. After receipt of a petition from an interested person disclosing sufficient reasons to justify institution of a rule making proceeding, the Commission will request the advice of the FAA with respect to the considerations of menace to air navigation in terms of air safety which may be presented by the proposal. The written communication received from the FAA in response to the Commission's request shall be placed in the Commission's public rule making file containing the petition, and interested persons shall be allowed a period of 30 days within which to file statements with respect thereto. Such statements shall also be filed with the Administrator of the FAA with proof of such filing to be established in accordance with § 1.47 of this chapter. The Administrator of the FAA shall have a period of 15 days within which to file responses to such statements. If the Commission, upon consideration of the matters presented to it in accordance with the above procedure, is satisfied that establishment of the proposed antenna farm would constitute a menace to air navigation for reasons of air safety, rule making proceedings will not be instituted. If rule making proceedings are instituted, any person filing comments therein which concern the question of whether the proposed antenna farm will constitute a menace to air navigation shall file a copy of the comments with the Administrator of the FAA. Proof of such filing shall be established in accordance with § 1.47 of this chapter.

(b) Nothing in this subpart shall be construed to mean that only one antenna farm area will be designated for a community. The Commission will consider on a case-by-case basis whether or not more than one antenna farm area shall be designated for a particular community.

[32 FR 8813, June 21, 1967, as amended at 32 FR 13591, Sept. 28, 1967]

§ 17.9 Designated antenna farm areas.

The areas described in the following paragraphs of this section are established as antenna farm areas: [appropriate paragraphs will be added as necessary].

[32 FR 8813, June 21, 1967]

§ 17.10 Antenna structures over 304.80 meters (1,000 feet) in height.

Where one or more antenna farm areas have been designated for a community or communities (see § 17.9), the Commission will not accept for filing an application for a construction permit to construct a new station or to increase height or change antenna location of an existing station proposing the erection of an antenna structure over 304.80 meters (1,000 feet) above ground unless:

(a) It is proposed to locate the antenna structure in a designated antenna farm area, or

(b) It is accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation, or

(c) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

[32 FR 8813, June 21, 1967, as amended at 42 FR 54824, Oct. 11, 1977]

§ 17.14 Certain antenna structures exempt from notification to the FAA.

A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption under § 17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

[32 FR 11269, Aug. 3, 1967, as amended at 39 FR 7581, Feb. 27, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.17 Existing structures.

(a) Nothing in the criteria in this subpart concerning antenna structures or locations shall apply to those structures authorized prior to September 5, 1967.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon any then existing or authorized antenna structure or structures.

[32 FR 11269, Aug. 3, 1967]

Subpart C—Specifications for Obstruction Marking and Lighting of Antenna Structures

§ 17.21 Painting and lighting, when required.

Antenna structures shall be painted and lighted when:

(a) They exceed 60.96 meters (200 feet) in height above the ground or they require special aeronautical study.

(b) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

[32 FR 11269, Aug. 3, 1967, as amended at 42 FR 54824, Oct. 11, 1977]

§ 17.22 Particular specifications to be used.

Whenever painting and lighting are required, the Commission will assign painting and lighting specifications pursuant to the provisions of this subpart. If an antenna installation is of such a nature that its painting and lighting in accordance with these specifications are confusing, or endanger rather than assist airmen, or are otherwise inadequate, the Commission will specify the type of painting and lighting or other marking to be used in the individual situation.

[32 FR 11269, Aug. 3, 1967]

§ 17.23 Specifications for the painting of antenna structures in accordance with § 17.21.

Except for antenna structures lighted in conformance with §§ 17.39, 17.40, 17.41 and 17.42 (High Intensity Obstruction Lighting), antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be equal and approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 30.48 meters (100 feet) nor less than 0.46 meters (1.5 feet) in width.

[40 FR 30265, July 18, 1975, as amended at 42 FR 54824, Oct. 11, 1977]

AVIATION RED OBSTRUCTION LIGHTING

§ 17.24 Specifications for the lighting of antenna structures up to and including 45.72 meters (150 feet) in height.

Antenna structures up to and including 45.72 meters (150 feet) in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7, shall be lighted as follows:

(a) There shall be installed at the top of the tower at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes. The intensity of each lamp shall not be less than 32.5 candelas. The two lights shall burn simultaneously from sunset to sunrise and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any normal angle of approach. A light sensitive control device or an astronomic dial clock and time switch may be used to control the obstruction lighting in lieu of manual control. When a light sensitive device is used, it shall be adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11269, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.25 Specifications for the lighting of antenna structures over 45.72 meters (150 feet) up to and including 91.44 meters (300 feet) in height.

(a) Antenna structures over 45.72 meters (150 feet), up to and including 60.96 meters (200 feet) in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7 and antenna structures over 60.96 meters (200 feet), up to and including 91.44 meters (300 feet) in height above ground, shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At the approximate mid point of the overall height of the tower there shall be installed at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes. The intensity of each lamp shall not be less than 32.5 candelas. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12529, Nov. 22, 1963, as amended at 32 FR 11269, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1978]

§ 17.26 Specifications for the lighting of antenna structures over 91.44 meters (300 feet) up to and including 137.16 meters (450 feet) in height.

(a) Antenna structures over 91.44 meters (300 feet) up to and including 137.16 meters (450 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric core beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of

at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute, nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower, there shall be installed at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes. The intensity of each lamp shall not be less than 32.5 candelas. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12529, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.27 Specifications for the lighting of antenna structures over 137.16 meters (450 feet) up to and including 182.88 meters (600 feet) in height.

(a) Antenna structures over 137.16 meters (450 feet) up to and including 182.88 meters (600 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately one-half of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. The intensity of each lamp shall not be less than 32.5 candelas. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.28 Specifications for the lighting of antenna structures over 182.88 meters (600 feet) up to and including 228.60 meters (750 feet) in height.

(a) Antenna structures over 182.88 meters (600 feet) up to and including 228.60 meters (750 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately two-fifths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately four-fifths, three-fifths, and one-fifth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 367.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.29 Specifications for the lighting of antenna structures over 228.60 meters (750 feet) up to and including 274.32 meters (900 feet) in height.

(a) Antenna structures over 228.60 meters (750 feet) up to and including 274.32 meters (900 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately five-sixths, one-half, and one-sixth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.30 Specifications for the lighting of antenna structures over 274.32 meters (900 feet) up to and including 320.04 meters (1,050 feet) in height.

(a) Antenna structures over 274.32 meters (900 feet) up to and including 320.04 meters (1,050 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately six-sevenths, five-sevenths, three-sevenths and one-seventh of the over-all height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface

rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.31 Specifications for the lighting of antenna structures over 320.04 meters (1,050 feet) up to and including 365.76 meters (1,200 feet) in height.

(a) Antenna structures over 320.04 meters (1,050 feet) up to and including 365.76 meters (1,200 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620-or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately seven-eighths, five-eighths, three-eighths, and one-eighth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12531, Nov. 22, 1963, as amended at 32 FR 11271, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977; 42 FR 56608, Oct. 27, 1977]

§ 17.32 Specifications for the lighting of antenna structures over 365.76 meters (1,200 feet) up to and including 411.48 meters (1,350 feet) in height.

(a) Antenna structures over 365.76 meters (1,200 feet) up to and including 411.48 meters (1,350 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of

at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths, and two-ninths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eight-ninths, seven-ninths, five-ninths, one-third and one-ninth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12531, Nov. 22, 1963, as amended at 32 FR 11271, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.33 Specifications for the lighting of antenna structures over 411.48 meters (1,350 feet) and up to and including 457.20 meters (1,500 feet) in height.

(a) Antenna structures over 411.48 meters (1,350 feet) up to and including 457.20 meters (1,500 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angles of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The

intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of 376.74 lux (35 fc) and turned off when the north sky illuminance level on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12531, Nov. 22, 1963, as amended at 32 FR 11271, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.34 Specifications for the lighting of antenna structures over 457.20 meters (1,500 feet) up to and including 502.92 meters (1,650 feet) in height above the ground.

(a) Antenna structures over 457.20 meters (1,500 feet) up to and including 502.92 meters (1,650 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately eight-elevenths, six-elevenths, four-elevenths, and two-elevenths of the overall height of the tower, one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from the aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately ten-elevenths, nine-elevenths, seven-elevenths, five-elevenths, three-elevenths, and one-eleventh of the over-all height of the tower at least one 116-or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11271, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.35 Specifications for the lighting of antenna structures over 502.92 meters (1,650 feet) up to and including 548.64 meters (1,800 feet) in height.

(a) Antenna structures over 502.92 meters (1,650 feet) up to and including 548.64 meters (1,800 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620-or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less

than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately five-sixths, two-thirds, one-half, one-third, and one-sixth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eleven-twelfths, three-fourths, seven-twelfths, five-twelfths, one-fourth, and one-twelfth of the overall height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level not less than 367.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11272, Aug. 3, 1967; 33 FR 7039, May 10, 1968, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.36 Specifications for the lighting of antenna structures over 548.64 meters (1,800 feet) up to and including 594.36 meters (1,950 feet) in height.

(a) Antenna structures over 548.64 meters (1,800 feet) up to and including 594.36 meters (1,950 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately ten-thirteenths, eight-thirteenths, six-thirteenths, four-thirteenths, and two-thirteenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unob-

structed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately twelve-thirteenths, eleven-thirteenths, nine-thirteenths, seven-thirteenths, five-thirteenths, three-thirteenths, and one-thirteenth of the overall height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less then 376.64 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level or not less than 624.31 lux (58 fc).

[32 FR 11272, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.37 Specifications for the lighting of antenna structures over 594.36 meters (1,950 feet) up to and including 640.08 meters (2,100 feet) in height.

(a) Antenna structures over 594.36 meters (1,950 feet) up to and including 640.08 meters (2,100 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately six-sevenths, five-sevenths, four-sevenths, three-sevenths, two-sevenths, and one-seventh of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately thirteen-fourteenths, eleven-fourteenths, nine-fourteenths, one half, five-fourteenths, three-fourteenths, and one-fourteenth of the overall height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 367.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11272, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.38 Specifications for the lighting of antenna structures over 640.08 meters (2,100 feet) in height.

Antenna structures over 640.08 meters (2,100 feet) in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

[32 FR 11272, Aug. 3, 1967, as amended at 42 FR 54826, Oct. 11, 1977]

HIGH INTENSITY WHITE OBSTRUCTION LIGHTING

NOTE: When authorized by the Commission, high intensity white obstruction lighting will be used in lieu of obstruction marking and lighting specified in §§ 17.23 through 17.37.

In general, the number of levels of high intensity lighting specified is dependent upon the overall height of the skeletal frame or comparable main support structure, excluding antennas or similar appurtenances. A white capacitor discharge omnidirectional light is mounted on or adjacent to the appurtenance, if more than 6.10 meters (20 feet), to complement the lighting system.

Where a dual lighting system is employed, i.e., high intensity white obstruction lighting during daylight and red obstruction lighting at night, the omnidirectional high intensity light, if equipped with an aviation red color filter for nighttime illumination, may be used in lieu of the 300 mm top beacon specified in § 17.24(a) and subparagraph (a)(1) in §§ 17.25 through 17.37.

§ 17.39 Specifications for the high intensity lighting of antenna structures having a skeletal tower up to and including 91.44 meters (300 feet) in height.

Antenna structures having a skeletal tower or other main support structure up to and including 91.44 meters (300 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformly about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) Where an antenna or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(c) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) Day to Twilight: This shall not occur before the illumination drops to 645.84 lux (60 fc) but shall occur before it drops below 322.92 lux (30 fc).

(2) Twilight to Night: This shall not occur before the illumination drops to 53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) Night to Day: The intensity changes listed in paragraphs (c) (1)

and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or, the next brighter intensity step above that required for the period of operation.

[40 FR 30265, July 18, 1975, as amended at 42 FR 54826, Oct. 11, 1977]

§ 17.40 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 91.44 meters (300 feet) up to and including 182.88 meters (600 feet) in height.

Antenna structures having a skeletal tower or other main support structure over 91.44 meters (300 feet) up to and including 182.88 meters (600 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformally about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) At the approximate ½ (midpoint) level of the skeletal tower there shall be installed an additional set of high intensity obstruction lights as in paragraph (a) of this section. The normal angular adjustment of the beam centers above the horizontal shall be 2 degrees. See Table under § 17.42.

(c) Where an antenna or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(d) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) Day to Twilight: This shall not occur before the illumination drops to 645.84 lux (60 fc), but shall occur before it drops below 322.92 lux (30 fc).

(2) Twilight to Night: This shall not occur before the illumination drops to 53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) Night to Day: The intensity changes listed in paragraphs (d) (1) and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or the next brighter intensity step above that required for the period of operation.

[40 FR 30265, July 18, 1975, as amended at 42 FR 54826, Oct. 11, 1977]

§ 17.41 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 182.88 meters (600 feet) up to and including 304.80 meters (1,000 feet) in height.

Antenna structures having a skeletal tower or other main support structures over 182.88 meters (600 feet) up to and including 304.80 meters (1,000 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformly about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) At the approximate ⅓ and ⅔ levels of the skeletal tower there shall be installed additional sets of high intensity obstruction lights as in paragraph (a) of this section. The normal angular adjustment of the beam centers above the horizontal shall be 2 degrees at the ⅓ level and one degree at the ⅔ level. See Table under § 17.42.

(c) Where a rod or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(d) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) Day to Twilight: This shall not occur before the illumination drops to 645.84 lux (60 fc), but shall occur before it drops below 322.92 lux (30 fc).

(2) Twilight to Night: This shall not occur before the illumination drops to 53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) Night to Day: The intensity changes listed in paragraphs (d) (1) and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or the next brighter intensity step above that required for the period of operation.

[40 FR 30266, July 18, 1975, as amended at 42 FR 54826, Oct. 11, 1977; 42 FR 56608, Oct. 27, 1977]

§ 17.42 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 304.80 meters (1,000 feet) in height.

Antenna structures having a skeletal tower or other main support structure over 304.80 meters (1,000 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformally about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) In addition, there shall be installed at approximate equi-distant levels along the vertical axis of the skeletal tower three or more sets of high intensity obstruction lights as in paragraph (a) of this section. Three intermediate levels are required for skeletal towers over 304.80 meters (1,000 feet) up to and including 426.72 meters (1,400 feet). For each additional 121.92 meters (400 feet) or fraction one additional level of lighting shall be installed. The normal angular adjustment of the beam centers at the bottom level shall be 3 degrees above the horizontal and for the second progressive level shall be 2 degrees above the horizontal. For other progressive levels, see Table below.

(c) Where a rod or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(d) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) Day to Twilight: This shall not occur before the illumination drops to 645.84 lux (60 fc), but shall occur before it drops below 322.92 lux (30 fc).

(2) Twilight to Night: This shall not occur before the illumination drops to 53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) Night to Day: The intensity changes listed in paragraphs (d) (1) and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or the next brighter intensity step above that required for the period of operation.

Degrees elevation above horizontal

Light level	Number of light levels on structure					
	1	2	3	4	5	6
Top	0	0	0	0	0	0
5	....	....	....	....	....	0
4	....	....	....	....	0	1
3	....	....	....	1	1	2
2	....	....	1	2	2	2
Bottom	....	2	2	3	3	3

[40 FR 30266, July 18, 1975; 40 FR 33662, Aug. 11, 1975, as amended at 42 FR 54826, Oct. 11, 1977]

§ 17.43 Painting and lighting of new and existing structures.

(a) The provisions of this part of the rules with respect to antenna structures required to be painted and/or lighted, shall be effective November 1, 1970, for any new antenna structure and for any change in the height or location of an existing antenna structure.

(b) All existing antenna structures required to be painted shall be painted in the manner set forth in § 17.23 at the time when the antenna structure is repainted (see § 17.50) or in no event later than November 1, 1977.

(c) All existing antenna structures required to be illuminated shall be brought into conformity herewith within 6 months after September 5, 1970, at any station for which the authorization is renewable on or prior to that date, and within 3 months following the renewal of an authorization renewable after September 5, 1970.

(d) Nothing in the notification criteria concerning antenna structures or locations, as set forth in Subpart B of this part, shall apply to painting and lighting those structures authorized prior to September 5, 1967, except where lighting and painting requirements are reduced, in which case the lesser requirements may apply upon approval of an application to the Commission for such reduction.

[35 FR 16404, Oct. 21, 1970]

§ 17.45 Temporary warning lights.

During construction of an antenna structure, for which red obstruction lighting is required, at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. The intensity of each lamp shall not be less than 32.5 candelas. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any normal angle of approach. If practical, the permanent obstruction lights may be installed and operated at each required level as construction progresses.

[32 FR 11273, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54826, Oct. 11, 1977]

§ 17.47 Inspection of tower lights and associated control equipment.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a)(1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

[32 FR 11273, Aug. 3, 1967]

§ 17.48 Notification of extinguishment or improper functioning of lights.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, and the probable date for restoration of service. Further notification by telephone or telegraph shall be given immediately upon resumption of normal operation of the light or lights.

(b) An extinguishment or improper functioning of a steady burning side intermediate light or lights, shall be corrected as soon as possible, but notification to the FAA of such extinguishment or improper functioning is not required.

[32 FR 11273, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 40 FR 30267, July 18, 1975]

§ 17.49 Recording of tower light inspections in the station record.

The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.47.

(a) The time the tower lights are turned on and off each day if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided.

(c) In the event of any observed or otherwise known extinguishment or improper functioning of a tower light:

(1) Nature of such extinguishment or improper functioning.

(2) Date and time the extinguishment or improper functioning was observed, or otherwise noted.

(3) Date, time, and nature of the adjustments, repairs, or replacements made.

(4) Identification of Flight Service Station (Federal Aviation Administration) notified of the extinguishment or improper functioning of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each 3 months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

[32 FR 11273, Aug. 3, 1967]

§ 17.50 Cleaning and repainting.

All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

[32 FR 11273, Aug. 3, 1967]

§ 17.51 Time when lights should be exhibited.

(a) All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.

(b) All high intensity obstruction lighting shall be exhibited continuously unless otherwise specified.

[40 FR 30267, July 18, 1975]

§ 17.53 Lighting equipment and paint.

The lighting equipment, color or filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy aeronautical specifications, bulletins, and drawings (lamps are referred to by standard numbers):

Outside white	TT-P-102 [1] (Color No. 17875, FS-595).
Aviation surface orange	TT-P-59 [1] (Color No. 12197, FS-595).
Aviation surface orange, enamel	TT-E-489 [1] (Color No. 12197, FS-595).
Aviation red obstruction light—color	MIL-C-25050 [2].
Flashing beacons	CAA-446 [3] Code Beacons, 300 mm.
Do	MIL-6273 [2].
Double and single obstruction light	L-810 [3] (FAA AC No. 150/5345-2 [4]).
Do	MIL-L-7830 [2].
High intensity white obstruction light	FAA/DOD L-856 (FAA AC No. 150/5345-43B [4]).
116-Watt lamp	No. 116 A21/TS (6,000 h).
125-Watt lamp	No. 125 A21/TS (6,000 h).
620-Watt lamp	No. 620 PS-40 (3,000 h).
700-Watt lamp	No. 700 PS-40 (6,000 h).

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[1] Copies of this specification can be obtained from the Specification Activity, Building 197, Room 301, Naval Weapons Plant, 1st and N Streets, SE., Washington, D.C. 20407.

[2] Copies of Military specifications can be obtained by contacting the Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Attention: NPPC-105, Philadelphia, Pa. 19120.

[3] Copies of Federal Aviation Administration specifications may be obtained from the Chief, Configuration Control Branch, AAF-110, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

[4] Copies of Federal Aviation Administration advisory circulars may be obtained from the Department of Transportation, Publications Section, TAD-443.1, 400 7th St. SW., Washington, D.C. 20590.

[33 FR 11540, Aug. 14, 1968, as amended at 40 FR 30267, July 18, 1975]

§ 17.54 Rated lamp voltage.

To insure the necessary lumen output by obstruction lights, the rated voltage of incandescent lamps used shall correspond to be within 3 percent higher than the voltage across the lamp socket during the normal hours of operation.

[42 FR 54826, Oct. 11, 1977]

§ 17.56 Maintenance of lighting equipment.

(a) Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable.

(b) The flash tubes in a high intensity obstruction lighting system shall be replaced whenever the peak effective daytime intensity falls below 200,000 candelas.

[40 FR 30267, July 18, 1975]

§ 17.57 Report of radio transmitting antenna construction, alteration, and/or removal.

Any permittee or licensee who, pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking or lighting is required shall, prior to start of tower construction and upon completion of such construction or changes, fill out and file with the Aeronautical Chart Division of the National Ocean Survey, NOAA Form 76-10 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order that antenna tower information may be provided promptly for use on aeronautical charts and related publications in the interest of safety in air navigation.

[39 FR 7581, Feb. 27, 1974]

§ 17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

Any application proposing new or modified transmitting facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management shall include a statement that the facilities will be so located, and the applicant shall comply with the requirements of § 1.70 of this chapter.

[32 FR 11274, Aug. 3, 1967]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

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AUTHORITY: Secs. 4(i), 303(r), 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154(i), 303(r). Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

SOURCE: 28 FR 12533, Nov. 22, 1963, unless otherwise noted.

Subpart A—General

§ 18.1 Statement of basis and purpose.

(a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications, or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. The operation in the industrial, scientific and medical service of medical diathermy equipment, industrial heating equipment and miscellaneous equipment of a type which emits radio frequency energy upon frequencies within the radio spectrum constitutes a serious source of interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

(b) The following rules and regulations are designed to have a twofold effect:

(1) They set forth the conditions under which the operation of the equipment in question is not regarded as a cause of interference to the authorized radio communication services and is therefore not required to be operated pursuant to license under the Communications Act.

(2) They provide a procedure for the licensing of medical diathermy, industrial heating and miscellaneous equipment which in operation constitute a source of interference to authorized communication services, directly affect the control of the Federal Government over the channels of interstate and foreign radio communication, and are therefore required to be licensed.

§ 18.3 Definitions.

For purposes of the provisions of this part the following definitions in the industrial, scientific, and medical service shall be applicable:

(a) "Radiofrequency energy" shall include electromagnetic energy generated at any frequency in the radio spectrum between 10 kHz and 30,000 MHz.

(b) "Medical diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with low power) which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for therapeutic purposes.

(c) "Industrial heating equipment" shall include any apparatus which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(d) Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles which do not involve communications or the use of radio receiving equipment.

(e) Ultrasonic equipment shall include any apparatus which generates radio frequency energy and utilizes that energy to excite or drive an electromechanical transducer for the production of sonic or ultrasonic mechanical energy for industrial, scientific, medical or other noncommunication purposes.

(f) "Industrial, scientific and medical equipment" (ISM equipment). Devices which use radio waves for industrial, scientific, medical or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radio communication.

(g) "Harmful interference." Any emissions, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(h) "ISM frequency." A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. (See § 18.13.)

[28 FR 12533, Nov. 22, 1963, as amended at 35 FR 5620, Apr. 7, 1970]

§ 18.11 Full information; inspection by Commission representatives.

Upon request by the Commission the owner or operator of any medical diathermy equipment, industrial heating equipment, or miscellaneous equipment shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment. The premises in which medical diathermy, industrial heating, or miscellaneous equipment are operated, and any license or certification required hereby, shall be available for inspection by representatives of the Commission at all reasonable hours.

§ 18.13 ISM frequencies and frequency tolerances.

The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency	Frequency tolerance
13,560 kHz	±6.78 kHz.
27,120 kHz	±160.0 kHz.
40,680 kHz	±20.0 kHz.
915 MHz [1]	±13.0 MHz.
2,450 MHz [1]	±50.0 MHz.
5,800 MHz [1]	±75.0 MHz.
24,125 MHz [1]	±125.0 MHz.

[1] The use of this frequency is subject to the conditions in § 18.14.

[39 FR 1769, Jan. 14, 1974, as amended at 40 FR 14469, Mar. 31, 1975]

§ 18.14 Operation on microwave frequencies.

Except for industrial heating equipment which is regulated by §§ 18.101 through 18.122, inclusive ISM equipment may be operated on the microwave frequencies (915 MHz, 2450 MHz, 5800 MHz and 24,125 MHz) subject to the following conditions:

(a) The emission of radio frequency energy resulting from such operation shall be on the particular frequency and must not exceed tolerance limits associated with each such frequency as set forth in § 18.13.

(b) The energy radiated and the bandwidth of emissions shall be reduced to the greatest extent practicable.

(c) No harmful interference shall be caused to authorized communication services from spurious or harmonic radiation. In the event of such harmful interference, operation of the ISM equipment causing such harmful interference shall cease and shall not be resumed until steps necessary to eliminate such interference have been taken.

[39 FR 1769, Jan. 14, 1974]

§ 18.17 Interference from ISM equipment.

(a) Subject to the exceptions in paragraphs (b) and (c) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take steps as may be necessary to remedy the interference.

(b) The provisions of paragraph (a) of this section shall not apply in the case of interference to an authorized radio station operating on an ISM frequency (including tolerance).

(c) The provisions of paragraph (a) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM equipment operating on an ISM frequency (including tolerance) and otherwise complying with the requirements of this part.

§ 18.21 When license is required.

(a) Any medical diathermy equipment, industrial heating equipment or miscellaneous equipment which complies with the provisions of this part may be operated without a station license. A license is required for any such equipment operated otherwise.

(b) No medical diathermy equipment, industrial heating equipment or miscellaneous equipment which does not comply with this part shall be operated except pursuant to a station license issued by the Commission authorizing such operation.

(c) Whenever the Commission on complaint or on its own motion determines that medical diathermy equipment, industrial heating equipment or miscellaneous equipment is not in fact operating in compliance with the provisions of this part and so advises the operator of such equipment, further operation of such equipment without a station license shall be unlawful unless within 10 days of the receipt of such notice, or within such further time as the Commission may for good cause allow, the operator of such equipment shall file with the Commission a certificate of a competent engineer stating that the equipment is now capable of complying with the requirements of the rules.

§ 18.22 Showing required.

A station license for the operation of medical diathermy equipment, industrial heating equipment or miscellaneous equipment will be granted upon proper application therefor in accordance with the provisions of this part and a showing that in the light of the following considerations the public interest, convenience, and necessity would be served by such a grant: (a) The purpose for which the equipment sought to be licensed will be used; (b) the reasons why the equipment involved may not be operated in compliance with the provisions of this part for the operation of such equipment without a license; and (c) the nature and extent of interference that may be caused to authorized communication services by the operation of such equipment.

§ 18.23 Applications for station licenses.

Each applicant for a station license authorizing the operation of medical diathermy, industrial heating equipment, or miscellaneous equipment, or requesting the modification or renewal of such a license, shall file with the Commission in Washington, D.C., three copies of each application on the appropriate form designated by the Commission and a like number of any exhibits and other papers incorporated therein and made a part thereof. Application for a license shall be made upon the appropriate form prescribed by the Commission, and separate application should be made for each unit of equipment for which a license is sought. Application for modification or renewal of a license shall also be upon appropriate form prescribed by the Commission.

§ 18.24 Full information.

Each application for a license authorizing the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall contain full and complete information concerning all matters and things required to be disclosed by the application form.

§ 18.25 License period.

Each station license authorizing the operation of medical diathermy, industrial equipment or miscellaneous equipment will expire at the hour of 3 a.m. and will be issued for a normal license period of five years or such other period as the Commission may specify upon consideration of the facts in a particular case. Each such license shall be nontransferable.

§ 18.26 Renewal of license.

Unless otherwise directed or permitted by the Commission, applications for renewal of a station license for the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall be filed with the Commission upon prescribed forms at least 60 days prior to the expiration date of such license.

§ 18.27 Station license, posting of.

The original of each station license shall be posted in the room in which the equipment is operated. Licenses covering equipment not used in a fixed place shall be attached to the equipment itself.

§ 18.28 Operator requirements.

Equipment for which a station license is issued pursuant to the provisions of this part may be operated by persons who do not hold an operator license or permit issued by this agency.

§ 18.29 Cessation of operation pursuant to license.

If any equipment for which a license has been issued hereunder shall cease to be operated pursuant to such license, or is transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the licensee, the licensee shall within five days of such occurrence notify the Commission thereof and, where possible, include in such notification the name and address of the recipient of such equipment.

Subpart B—[Reserved]

Subpart C—Ultrasonic Equipment

§ 18.71 Operation without a license.

Ultrasonic equipment may be operated without a license: *Provided,* The design and operation complies with the technical limitations for such equipment: *And provided further,* That the equipment has been type approved by the Commission or has been certified pursuant to the requirements of §§ 18.71 to 18.84 and the certificate is attached to the equipment or is prominently posted in the room in which the equipment is being operated; except that ultrasonic equipment operating on frequencies below 90 kHz and generating less than 500 watts of radiofrequency power may be operated without license, type approval or certification, if such equipment complies with all other applicable provisions of §§ 18.71 to 18.84.

[35 FR 5621, Apr. 7, 1970]

§ 18.72 Technical limitations.

(a) Ultrasonic equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the ISM frequency bands.

(b) Except for the ultrasonic measurement equipment that operates over a continuous band of frequencies, the fundamental frequency of operation shall fall outside the frequency bands 490-510 kHz, 2170-2194 kHz, and 8354-8374 kHz.

(c) The varying conditions under which ultrasonic equipment is operated shall not result in radiation exceeding the following limits:

Frequency	Distance (feet)	Field µV/m
Up to and including 490 kHz.	1,000	2400
Over 490 kHz up to and including 1600 kHz.	100	Frequency in kHz 24000
Over 1600 kHz exclusive of frequencies in the ISM frequency bands.	100	Frequency in kHz 15

(d) The operation of ultrasonic equipment on frequencies below 490 kHz using radiofrequency power in excess of 500 watts shall be in compliance with the requirements of this section except that the maximum radiated field permitted may be increased as the square root of the ratio of the generated radiofrequency power to 500 watts: *Provided*, That the radiated field shall in no case exceed the field permitted industrial heating equipment: *And provided further*, That equipment used in predominantly residential areas shall not be permitted the increase in field with power as indicated in this paragraph.

(e) On any frequency above 490 kHz, the radiofrequency voltage appearing on each powerline shall not exceed 200 microvolts. On any frequency below 490 kHz, the radiofrequency voltage appearing on each powerline shall not exceed 1,000 microvolts. Measurement shall be made from each powerline to ground with the equipment itself both grounded and ungrounded.

NOTE: One method of making conducted interference measurements is described in "Military Specification for Interference Measurement" MIL-I-16910 (SHIPS) dated Jan. 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, N.Y. 12302. Note that this procedure calls for grounding the equipment under test, whereas these rules call for measurements with the equipment both grounded and ungrounded.

[35 FR 5621, Apr. 7, 1970]

§ 18.73 Type approval.

(a) Manufacturers of ultrasonic equipment desiring to obtain type approval for their equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Part 2 of this chapter. The request shall include a statement that at least five units of the model to be submitted are scheduled for manufacture.

(b) To be acceptable for type approval, ultrasonic equipment must meet the following requirements:

(1) The equipment must comply with the technical limitations for ultrasonic equipment.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the rules in this part for at least 5 years under normal operation and with average maintenance.

(c) Additional rules relative to type approval will be found in Part 2 of this chapter.

§ 18.74 Identification of type approved equipment.

(a) *Nameplate.* (1) Each equipment for which a type approval application was filed on or after May 1, 1981, shall be identified pursuant to § 2.925 and § 2.969. The FCC Identifier for such equipment will be validated by the grant of type approval issued by the Commission.

(2) Each equipment for which a type approval application was filed before May 1, 1981, shall be identified by the insertion of the FCC Type Approval Number on the nameplate of the equipment.

(b) In addition to the nameplate, the manufacturer shall furnish each user of type approved equipment a certificate setting forth the conditions under which such equipment shall be operated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 82 Stat., 290; 47 U.S.C. 154, 303, 307)

[28 FR 12533, Nov. 22, 1963, as amended at 44 FR 17181, Mar. 21, 1979; 45 FR 71356, Oct. 28, 1980]

§ 18.75 Effect of certificate of type approval.

A certificate of type approval issued by the Commission constitutes a recognition that, on the basis of the tests made, the equipment appears to be capable of complying with the technical limitations in the rules in this part: *Provided,* Such equipment is properly installed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the certificate of type approval except on specific prior approval by the Commission to any changes made.

§ 18.76 Changes in type approved equipment.

No changes whatsoever may be made in ultrasonic equipment for which a certificate of type approval has been issued except on specific prior approval by the Commission.

§ 18.77 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

§ 18.78 Measurement of field strength.

Measurements to determine the field strength of radio frequency energy including both fundamental and spurious (including harmonic) emissions, generated by the ultrasonic equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A field strength meter using loop pickup shall be used for measurements on frequencies up to and including 18 MHz, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 MHz.

(b) The radiation shall be determined along at least 5 radials approximately 72° apart. A smooth curve shall be drawn through the measurements when plotted and the value of field strength determined from these curves.

[28 FR 12533, Nov. 22, 1963, as amended at 35 FR 5621, Apr. 7, 1970]

§ 18.79 Location of equipment.

For the purposes of measurements required in order to execute a certification of compliance, the location of the ultrasonic equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 200 feet radius or less, the several units may at the election of the certifying engineer be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by the radius of the smallest circle that encloses the several units.

§ 18.80 Certification attesting compliance with rules.

(a) A certification attesting compliance with the rules in this part may be affixed or posted for any ultrasonic equipment.

(b) The certification shall be based on an inspection of the equipment and measurements taken at the place of use after the ultrasonic equipment has been assembled and is ready for operation: *Provided however,* That the certifying engineer may, in lieu of measuring the radio frequency voltage on the power lines, base the certification on specifications for the power line filter and test data regarding the radio frequency voltage on the power lines furnished by the manufacturer of the ultrasonic equipment.

(c) The certification may be executed by any engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to present proof of his qualifications to make such measurements.

(d) The certification shall contain the following information:

(1) Type and serial number, or other positive identification of the ultrasonic equipment being certificated.

(2) Conditions under which the certificated equipment shall be operated.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certification is based.

(4) If the radio frequency voltage on the power line is not measured, a statement that, based on an inspection of the equipment and study of such test data and specifications as may be furnished by the manufacturer, the equipment can reasonably be expected to meet the requirements for radio frequency voltage on the power lines.

(5) A statement certifying that under the described condition of operation, the certificated equipment may reasonably be expected to meet the requirements of the rules in this part. This statement shall include the period of time over which the equipment may reasonably be expected to comply with the rules in this part.

(6) Date the measurements were made.

(7) Date of certification.

(8) Signature of certifying engineer.

(9) Name and address of employer of certifying engineer, if any.

§ 18.81 Renewal of certification.

The certification required by §§ 18.71 to 18.84 does not require renewal. However, when the Commission has reason to believe that operation of the equipment concerned may be inconsistent with §§ 18.71 to 18.84, it may require a new certification based on a new set of measurements.

§ 18.82 Certification after maintenance work.

It shall be the responsibility of the operator of the ultrasonic equipment to have such equipment recertificated when changes have been made that might increase the radiated or conducted interference beyond the limits specified in §§ 18.71 to 18.84.

§ 18.83 Prototype certification permitted.

(a) Provision for prototype certification is made on the basis that production units can be expected to exhibit the same radiation characteristics as those of the prototype. Acceptance of prototype certification is based on representations and measurements made by the manufacturer of ultrasonic equipment.

(b) Ultrasonic equipment may be prototype certificated under the same procedure provided for industrial heating equipment in §§ 18.125 and 18.126. The technical limitations for ultrasonic equipment in § 18.72 shall apply, and the report of measurements shall include a showing of capability of compliance with the requirements of § 18.72(e).

(c) Certification of ultrasonic equipment which carries the manufacturer's prototype certification label shall be made pursuant to § 18.116 (a) and (b).

[31 FR 7822, June 2, 1966]

§ 18.84 Effective date.

(a) All ultrasonic equipment manufactured on or after July 1, 1955 must comply with the rules in §§ 18.71 to 18.84.

(b) Ultrasonic equipment manufactured prior to July 1, 1955, may be utilized until July 1, 1965, providing it complies either with the rules in §§ 18.71 to 18.84 or with the rules for miscellaneous equipment in § 18.261. After July 1, 1965, all such equipment must comply with the rules in §§ 18.71 to 18.84.

Subpart D—Industrial Heating Equipment

§ 18.101 Operation without a license.

Industrial heating equipment may be operated without a license: *Provided,* The design and operation of the equipment complies with the technical limitations in this part for such equipment: *And provided further,* That the equipment has been certificated pursuant to the requirements of this part.

§ 18.102 Technical limitations.

(a) Industrial heating equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to meet the requirements of this part.

(b) Industrial heating equipment may be operated on any frequency except frequencies in the bands 490-510 kHz, 2170-2194 kHz, and 8354-8374 kHz. Equipment operating on an ISM frequency may be operated with unlimited radiation on that frequency. Equipment operated on other frequencies must suppress radiation on the fundamental carrier frequency as well as other frequencies as required by this part.

(c) Industrial heating equipment designed for operation on an ISM frequency shall be adjusted to operate as close to that ISM frequency as practicable.

(d) Radiation of radiofrequency energy from any industrial heating equipment on any frequency below 5725 MHz, except ISM frequencies, shall be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of 1 mile or more from the equipment.

(e) Radiation of radiofrequency energy from any industrial heating equipment on any frequency above 5725 MHz, except ISM frequencies, shall be reduced to the greatest extent practicable.

NOTE: The Commission will establish definite radiation limits for these frequencies as soon as information regarding equipment operating on these frequencies becomes available.

(f) Filtering between the industrial heating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies other than ISM frequencies with a field strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment and at a distance of 50 feet from the power line.

[28 FR 12533, Nov. 22, 1963, as amended at 35 FR 5621, Apr. 7, 1970]

§ 18.105 Inspection of industrial heating equipment.

(a) Industrial heating equipment shall be periodically inspected in order to reaffirm the validity of the certificate required by this part.

(b) Inspection shall be made at sufficiently frequent intervals to insure that each industrial heating equipment is installed, maintained, and operated in a manner that provides compliance with the provisions of this part.

(c) A log shall be maintained of the inspections made. The inspector shall enter a brief note of his findings and shall date and sign each entry.

(d) The log shall be maintained at the same location as the certificate.

(e) The inspector shall require the equipment to be recertificated pursuant to the requirements of this part if he determines, as a result of his inspection, that such action is necessary in order to assure compliance with this part.

§ 18.106 Renewal of certificate.

(a) The certificate required to be exhibited by this part shall be renewed:

(1) When changes have been made that might increase the radiated interference beyond the limits specified in this part.

(2) When the inspector has determined that such action is necessary to assure compliance with the requirements of this part.

(3) When required by the Commission because it has reason to believe that operation of the equipment concerned may be inconsistent with the requirements of this part.

(b) The renewal of the certificate shall be based on measurements made at the point of installation.

(c) After April 30, 1961, the renewal certificate shall be executed on FCC Form 724.

§ 18.107 Measurement of field strength.

Measurements to determine the field strength of radiofrequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A loop antenna shall be used for measurements on frequencies below 18 MHz, and a doublet antenna shall be used for measurements on frequencies above 30 MHz. Either a loop or doublet antenna shall be used on frequencies between 18 MHz and 30 MHz. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) Prior to the determination of the maximum field strength at 1 mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20° in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to equivalent field strength at 1,000 feet.

(c) The field strength measurements for the maximum field strength at 1 mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field strength is in fact the maximum lobe. If two or more lobes of radiation of approximately the same strength are present, measurements to determine field strength shall be made along the several radials for such lobes. Where possible, field strength measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field strength in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field strength at 1 mile. In these cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field strength measurements shall be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from powerlines, field strength measurements shall be made at not less than three points along the powerline located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of powerline not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the others beyond. At each of these points at least three measurements of field strength shall be made along a line normal to the powerline and out to a distance from the powerline not exceeding 50 feet measured horizontally along the ground from a point directly below the outermost conductor.

(e) The field strengths specified herein refer to the maximum field strengths, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strengths may exceed that at 12 feet. Measurements made at frequencies below 18 MHz may be made at any convenient height.

(f) The spectrum shall be investigated from the lowest frequency generated in the equipment up to the tenth harmonic of the fundamental frequency or to 5725 MHz whichever is lower.

[35 FR 5621, Apr. 7, 1970]

§ 18.108 Location of equipment.

For the purpose of measurements required in order to execute a certification of compliance, the location of the industrial heating equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 500 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of one mile at which the maximum permissible radiation is determined shall be reduced by the radius of the smallest circle that encloses the several units.

§ 18.109 Report of radiation measurements.

The report of radiation measurements shall contain the following information:

(a) A description of the equipment that was measured for radiation, including: Manufacture, type number, nominal operating frequency, and nominal power rating.

(b) A listing of the measuring equipment used, including the serial numbers.

(c) A statement of the date when the measuring equipment was last calibrated.

(d) The date the measurements were made.

(e) The frequency range that was investigated.

(f) [Reserved]

(g) If the required range of investigation includes the following frequencies, indicate the magnitude of the field measured on these frequencies or in these frequency bands:

MHz
74.6 to 75.4
108.0 to 118.0
121.5
156.8
243.0
328.6 to 335.4
420.0 to 460.0

(h) A graph, taken at any convenient point, of field strength versus frequency as required by § 18.107(f). The graph shall also show the ambient noise level if the same exceeds 6 microvolts per meter. Label the graph to show where the measurements were made.

(i) A graph of the polar radiation pattern as required by § 18.107(b). Label the graph to show the frequency that was used.

(j) A graph of field strength versus distance along the radial of maximum radiation shown in the polar graph required by paragraph (i) of this section. Label the graph to show the frequency that was used.

(k) A statement of the operating conditions that must be observed to ensure that radiation during routine operation does not exceed, within reasonable limits, the radiation that was measured and is reported herein.

NOTE: In the graphs required by paragraphs (i) and (j), use the fundamental frequency when this frequency falls outside an ISM frequency band; however, if the fundamental is an ISM frequency, use the harmonic, falling outside an ISM frequency band, which has the highest measured radiation.

[28 FR 12533, Nov. 22, 1963, as amended at 35 FR 5622, Apr. 7, 1970]

§ 18.111 Form of certificate.

(a) Certificates issued after April 30, 1961, for industrial heating equipment shall be executed on FCC Form 724 except as provided in paragraph (b) of this section.

(b) Where the industrial heating equipment is identical to a prototype which has been tested for radiation prior to April 30, 1961, the certificate heretofore issued by the manufacturer for such equipment may be substituted for Part III of FCC Form 724 until January 1, 1970.

§ 18.112 Certification regarding operation.

The certification required in Part I of FCC Form 724 shall be executed by the owner or lessee of the equipment, in the case of a proprietorship; by one of the partners, in the case of a partnership; or by an officer or authorized employee, in the case of a corporation. If Part I is signed by an authorized employee, Part II shall be executed either by an officer or a party with respect to whom there is on file with the Commission a letter from an officer of the corporation authorizing that party to execute Part II of FCC Form 724.

[30 FR 14200, Nov. 11, 1965]

§ 18.113 Certification regarding radiation.

The certification required in Part III of FCC Form 724 shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to furnish proof of his qualifications.

§ 18.114 Prototype certification permitted.

(a) Provision for prototype certification is made on the basis that production units can be expected to exhibit the same radiation characteristics as those of the prototype. Acceptance of prototype certification is based on representations and field strength measurements made by the manufacturer of industrial heating equipment.

(b) The procedure for prototype certification is set out in §§ 18.125 and 18.126.

[30 FR 7999, June 22, 1965]

§ 18.115 Compliance with installation instructions.

Where the certification regarding radiation (Part III of FCC Form 724) is based on measurements of a prototype, the equipment shall be installed in accordance with the instructions which the engineer certifying to Part III of FCC Form 724 has certified as being adequate to ensure reasonable expectation of compliance with the radiation limits in § 18.102.

§ 18.116 Certificate to be filed with Commission.

(a) Two copies of FCC Form 724 required by § 18.101 and § 18.111 shall be filed. The original shall be filed with the Secretary, Federal Communications Commission, Washington, D.C., 20554. A duplicate copy shall be filed with the Engineer in Charge of the field office having cognizance over the area in which the heater is located.

(b) For equipment which carries the manufacturer's prototype certification label, the certificate shall consist of Part I and Part II, if applicable, of FCC Form 724.

(c) For equipment which does not carry the manufacturer's prototype certification label, the certificate shall consist of Parts I, II, if applicable, and III of FCC Form 724 plus the report of radiation measurement pursuant to § 18.109. A facsimile copy of the properly completed and signed Part III of FCC Form 724 may be submitted in lieu of the original thereof.

[28 FR 12533, Nov. 22, 1963, as amended at 30 FR 7999, June 22, 1965]

§ 18.117 Copy of certificate with equipment.

A copy of the certificate filed with the Commission pursuant to § 18.116 shall be retained by the operator and shall be attached to the equipment. Alternatively, the copy of the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notice stating where the copy of the certificate is located.

§ 18.118 Rejection of certificate.

(a) A certificate that is incomplete or otherwise does not meet the requirements of Subpart D of this part may be rejected.

(b) The certificate shall be considered accepted unless rejected in writing within 60 days of receipt by the Commission.

(c) In the event a certificate is rejected but with no harmful interference involved, the equipment may be operated for a period of 20 days from the date of the rejection notice pending the submission of an acceptable certificate.

(d) If the certificate is rejected after the second submission thereof, the equipment may not be operated until a certificate has been filed with and accepted by the Commission.

[28 FR 12533, Nov. 22, 1963, as amended at 30 FR 7999, June 22, 1965]

§ 18.119 Elimination and investigation of harmful interference.

(a) The operator of industrial heating equipment that causes harmful interference shall promptly take appropriate measures to eliminate the harmful interference.

(b) When notified by the Commission that his installation is causing harmful interference, the operator shall arrange for an engineer skilled in interference measurements and control techniques to make an investigation to ensure that the harmful interference has been eliminated. The Commission may require the engineer making the investigation to furnish proof of his qualifications.

(c) The results of the investigation required by paragraph (b) of this section shall be reported to the Commission's Engineer-in-Charge of the district office in accordance with the provisions of § 18.122.

(d) If the equipment has not been certificated or if renewal of the certificate is required, a certificate covering the equipment shall be filed in accordance with the provisions of § 18.116.

§ 18.120 Interference to a radionavigation or safety service.

(a) If the operator of industrial heating equipment is notified by the Commission that operation of such equipment is endangering the functioning of a radionavigation or a safety service, he shall immediately cease operating the equipment.

(b) Operation may be resumed on a temporary basis, with the permission of the Engineer-in-Charge of the district office, but only for the purpose of eliminating the harmful interference, making the interference investigation, and obtaining or renewing certification if required. Requests for permission to operate on a temporary basis may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(c) If the results of the interference investigation demonstrate that the harmful interference has been eliminated, and if the field work involved in certification, when required, demonstrates that the equipment meets the requirements for certification, the operator may, with the permission of the Engineer-in-Charge of the district office, resume full operation for a period of ten days pending preparation and submission of the final interference report required by § 18.122 and the certificate required by §§ 18.101 and 18.111. Requests for permission to operate under such circumstances may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(d) Operation may be resumed on a regular basis after the harmful interference has been eliminated and the interference report and certificate, if required, have been filed.

§ 18.121 Interference to other radio services.

(a) If the operator of industrial heating equipment is notified by the Commission that operation of such equipment is obstructing or repeatedly interrupting an authorized radio service other than a radionavigation or safety service, he shall take prompt measures to eliminate the harmful interference but need not cease operation unless ordered to do so by the Commission.

(b) If the operator is ordered to cease operation, he may resume operation on a temporary basis, with the permission of the Engineer-in-Charge of the district office, but only for the purpose of eliminating the harmful interference, making the interference investigation, and obtaining or renewing certification. Requests for permission to operate on a temporary basis may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(c) If the results of the interference investigation demonstrate that the harmful interference has been eliminated, and if the field work involved in certification, if required, demonstrates that the equipment meets the requirements for certification, the operator may, with the permission of the Engineer-in-Charge of the district office, resume full operation for a period of ten days pending preparation and submission of the final interference report required by § 18.122 and the certificate required by §§ 18.101 and 18.111. Requests for permission to operate under such circumstances may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(d) Operation may be resumed on a regular basis after the harmful interference has been eliminated and the interference report and certificate, if required, have been filed.

§ 18.122 Report of interference investigation.

(a) An interim report on the investigation and of the corrective measures that were taken shall be filed with the Engineer in Charge of the local FCC office within 30 days of notification of harmful interference. The final report shall be filed with the Engineer in Charge within 60 days of notification.

(b) The date for filing the final report may be extended for 30 days by the Engineer in Charge when the operator has shown that he has been diligent in his efforts and that additional time is required to put into effect the corrective measures or to complete the investigation. The request for extension of time shall be accompanied by a progress report showing what has been accomplished to date.

(c) The final report on the interference investigation shall list each radio facility which was receiving harmful interference, shall describe the measures taken to eliminate harmful interference, and shall describe the tests made to ensure that harmful interference has been eliminated, together with the test results and the date and time of each test. In the case of interference to broadcast receivers, the final report shall list the location of each receiver that was checked and the name of the receiver owner, shall describe the steps taken to eliminate the harmful interference, and shall specify the date and time each receiver was checked to ensure that harmful interference has been eliminated.

§ 18.125 Prototype certification procedure.

(a) Manufacturers desiring to prototype certificate their equipment, must file all the information set out in § 18.126. A separate prototype certificate shall be filed for each type of equipment.

(b) Receipt of each prototype certificate will be acknowledged subject to review at a later date.

(c) After filing the required information, the equipment may be identified with a label carrying the following statement:

> The (name of manufacturer) has prototype certificated this equipment to the FCC as complying with Part 18 of its rules.

(d) The identifying label may be part of the equipment nameplate. If separate therefrom, the label shall be attached to the equipment in the vicinity of the nameplate.

[30 FR 7999, June 22, 1965]

§ 18.126 Information to be filed for prototype certification.

(a) Original of Part III of FCC Form 724 properly completed and signed.

(b) Report of radiation measurements pursuant to § 18.109.

(c) Installation instructions to be furnished to purchaser of the equipment.

(d) A statement certifying that production will be adequately controlled to insure that all units produced are capable of operating in compliance with the technical requirements of this subpart. This statement shall be signed by a responsible official authorized to sign for the manufacturer and shall show his title.

[30 FR 7999, June 22, 1965]

Subpart E—Medical Diathermy Equipment

§ 18.141 Operation on assigned frequencies.

A station license is not required for the operation of medical diathermy equipment on assigned frequencies provided such operation meets the following conditions:

(a) Such operation must conform to the general condition set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies:

ISM frequency	*Frequency tolerance*
13,560 kHz	±6.78 kHz.
27,120 kHz	±160.0 kHz.
40,680 kHz	±20.0 kHz.
915 MHz [1]	±13.0 MHz.
2,450 MHz [1]	±50.0 MHz.
5,800 MHz [1]	±75.0 MHz.
24,125 MHz [1] [1]	±125.0 MHz.

[1] The use of this frequency is subject to the conditions in Section 18.14.

(b) Such operation may be without regard to the type or power of emissions being radiated. Spurious and harmonic radiations on frequencies other than those specified above shall be suppressed so that such radiations do not exceed a strength of 25 microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment causing such radiations.

(c) *Identification.* (1) Each equipment for which a type approval application is filed on or after May 1, 1981, shall be identified pursuant to § 2.925 and § 2.969. The FCC Identifier for such equipment will be validated by the grant of type approval issued by the Commission.

(2) For equipment covered by type approval granted pursuant to an application filed before May 1, 1981, in accordance with § 18.144 through § 18.146 inclusive, there shall be affixed to each unit of equipment operated in accordance with paragraphs (a) and (b) of this section, or posted in the room in which such operation occurs, a dated certificate of a competent engineer, or a dated certificate or nameplate of the manufacturer of the equipment, setting forth the FCC type approval number for such equipment, the general conditions under which such equipment should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirement of this section under the described conditions of operation for a period of at least 3 years. The certification required in this section shall describe with certainty the apparatus covered thereby.

(d) The owners or operators of equipment which has not received type approval but which is manufactured for operation without a license and designed to meet the technical requirements set forth under paragraphs (a) and (b) of this section shall have posted in the room in which such equipment is operated a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section for a period of at least three years under the described conditions of operation. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which such certification is based and the results thereof. Field strength measurements in such tests shall be made in accordance with § 18.143.

(e) No regular renewal of certification is required for equipment covered in paragraph (c) of this section. The certification required in paragraph (d) of this section shall be renewed at intervals of three years. Notwithstanding the above provisions with respect to renewal of certification, the certification required by paragraph (c) or (d) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with provisions of this part or the source of interference to radio communication.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12533, Nov. 22, 1963, as amended at 39 FR 1769, Jan. 14, 1974; 40 FR 14469, Mar. 31, 1975; 44 FR 17181, Mar. 21, 1979; 45 FR 71356, Oct. 28, 1980]

§ 18.142 Operation on unassigned frequencies.

A station license is not required for the operation of medical diathermy equipment on frequencies other than those specified in § 18.141(a) provided such operation is in accordance with the general conditions of operation set out in the certification required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be provided with a rectified and filtered plate power supply, power line filters and shall be provided with sufficient shielding so that the emission of radio frequency energy generated by such operation, including spurious and harmonic emissions, shall not exceed a strength of fifteen microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment on frequencies other than those specified in § 18.141(a) under any conditions of operation.

(b) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certification of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment setting forth the general conditions under which such equipment should be operated and certifying that under the described conditions of operation the requirements of this section may reasonably be expected to be met for a period of at least 3 years. The certification required by this section shall describe with certainty the equipment covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field strength measurements in such tests shall be made in accordance with the provisions of § 18.143.

(c) The certification required in paragraph (b) of this section shall be renewed every 3 years: *Provided*, That such certification shall be renewed for particular equipment by such earlier date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or a source of interference to radio communication.

§ 18.143 Measurement of field strength.

Measurements to determine the field strength of radio frequency energy generated by medical diathermy equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field strength meter using loop pickup shall be used for measurements on frequencies below and including 18 MHz, and such a meter with a doublet antenna shall be used for measurements for frequencies above 18 MHz. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) The field strength at 1,000 feet from the medical diathermy equipment, or at any other point at which it becomes necessary to determine such field strength shall be determined by measurements at approximately 100-foot intervals along 5 radials approximately 72° apart: *Provided*, That additional measurements shall be taken when necessary in particular cases. An average curve shall be drawn through the points obtained for each radial and then either (1) the field strength at 1,000 feet taken from the curve or (2) the curve extended to the 1,000-foot point to obtain the field strength at that point. If points of measurement along a radial are such that marked changes of field strength over short distances are noted because of standing waves, multipaths, etc., continuous measurements shall be made along any such radial at points 100 feet apart in order to obtain average values for such points.

(c) The field strength specified in this section refers to the maximum field strength regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strength may exceed that at 12 feet.

(d) If due to the location of equipment in a large city, or for some other reason, measurements as outlined above are impractical because of shadows or shielding of large buildings or other objects, every effort should be made to obtain necessary measurements at clear locations such as atop adjacent buildings, etc., with the measurements corrected to the height specified in paragraph (c) of this section in accordance with best available engineering information.

[28 FR 12533, Nov. 22, 1963, as amended at 35 FR 5622, Apr. 7, 1970]

§ 18.144 Procedure for type approval.

(a) Manufacturers of medical diathermy equipment designed to operate on the frequencies specified in § 18.141(a) may submit units of such equipment to this Commission for type approval upon the grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request will not be granted unless at least 5 units of the model to be submitted are scheduled for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of the unit to be tested between the Federal Communications Commission, Laboratory Division, Laurel, Maryland, and the manufacturer.

(b) Any such equipment which is submitted will be tested and a certificate of type approval will be issued to the manufacturer for each type of equipment which meets the following tests:

(1) The frequency at all times during the tests below shall be maintained within 70% of the tolerance specified in § 18.141(a), except for equipment operating on 915 MHz, for which it shall be maintained within 100% of the tolerance specified in § 18.141(a).

(i) From a cold start the machine will be operated continuously at full load for 6 hours, except that machines classified as portable will be subject to a 2-hour test.

(ii) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined over a normal treatment cycle. A treatment cycle will be simulated by artificial varying loads and varying settings of the resonance and other operating controls. Similar treatment cycle tests will be conducted after periods of continuous full load operations up to six hours (2 hours for portable operation) to determine the maximum deviation. The number of such tests normally will be determined by the results of test (b)(1) of this section (i): *Provided, however,* That equipment designed to operate on the frequencies set forth in § 18.141(a) may be granted type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains a power cut-off mechanism which is effective in rendering the machine inoperative when the deviation from the assigned frequency exceeds 70 percent of the tolerance provided for.

(2) The equipment must be designed to prevent the emission of spurious and harmonic radiations to the extent required in § 18.141(b).

(3) The electrical and mechanical components of the machine and their installation must be such as to give reasonable assurance of compliance with the requirements of permissible frequency tolerance for at least 5 years.

NOTE: Medical diathermy equipment operated on 915 MHz, 2450 MHz, 5800 MHz or 24,125 MHz will be eligible for type approval upon a determination by the Chief Scientist of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.14.

[28 FR 12533, Nov. 22, 1963, as amended at 39 FR 1769, Jan. 14, 1974; 40 FR 14469, Mar. 31, 1975; 44 FR 39181, July 5, 1979]

§ 18.145 Effect of certificate of type approval.

A certificate of type approval constitutes a recognition that on the basis of the tests made the equipment appears to have the capability of functioning in accordance with the provisions of § 18.141 (a) and (b) provided such equipment is properly constructed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission except on specific approval by the Commission to any changes made.

§ 18.146 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of a certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

Subpart F—RF Stabilized Arc Welders

§ 18.181 Technical specifications.

(a) The requirements of this part with respect to electric arc welding devices using radiofrequency energy are suspended, subject to the provisions of paragraphs (b)-(e) of this section, until action is completed in the Docket No. 11467 proceeding with respect to these devices.

(b) In the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply).

(c) Equipment manufactured after September 1, 1952, shall be subject to the same technical limitations and standards as set forth for industrial heating equipment in §§ 18.101 to 18.108, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.102.

(d) Radio frequency stabilized electric arc welding equipment designed for operation on ISM frequencies may be type approved and operated in accordance with the provisions of § 18.261(c).

(e) Broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63. Quasipeak values of field strength shall be measured and used in determining compliance with § 18.102. Instruments not having characteristics similar to the above-mentioned standards may be used provided suitable correlation factors are used to adjust the field strength readings to values which would be obtained with an instrument having the desired characteristics.

[28 FR 12533, Nov. 22, 1963, as amended at 35 FR 5622, Apr. 7, 1970]

§ 18.182 Certification requirements.

(a) The certification required by § 18.101 may be based upon field strength measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

(b) The certificate required for RF stabilized arc welders shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to provide proof of his qualifications.

(c) The certificate for an RF stabilized arc welder measured at the location where it is in use shall contain the following information:

(1) Type and serial number, or other positive identification, of the welder being certificated.

(2) Conditions under which the welder shall be operated and maintained.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certificate is based.

(4) Date the measurements were made.

(5) A statement certifying that the welder does meet and may reasonably be expected to continue to meet the requirements of this part.

(6) Date of certification.

(7) Signature of certifying engineer.

(8) Name and address of employer of certifying engineer, if any.

(9) If the certificate is based on measurement of a prototype at some other location:

(i) Detailed installation instructions which will insure that the welder may reasonably be expected to comply with the radiation limits in § 18.102, and

(ii) A statement signed by the person responsible for the operation of the welder, attesting that it has been installed in accordance with the installation instructions attached to this certificate.

§ 18.183 Location of certificate.

In general the certificate shall be attached to the equipment. Alternatively the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notice stating where the certificate is located.

Subpart G—[Reserved]

Subpart H—Miscellaneous Equipment

§ 18.261 Miscellaneous equipment.

(a) The operation without a license of miscellaneous equipment, as defined in § 18.3(d), generating radio frequency power of 500 watts or less, shall be in compliance with the provisions of this part for medical diathermy apparatus.

(b) Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: *Provided,* That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: *And provided further,* That equipment used in predominantly residential areas and operating on frequencies below 1000 MHz shall not be permitted the increase in field with power as indicated in this paragraph, but shall be subject to the restrictions contained in this paragraph for diathermy equipment.

(c) Miscellaneous equipment, as defined in § 18.3(d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the particular equipment involved.

(d) For the purpose of field strength measurements, the location of the miscellaneous equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 200 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, the location of which will be the center of the smallest enclosing circle: *Provided, however,* That if the certification includes more than one unit, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by an amont equivalent to the radius of the circle encompassing the several units.

(e) It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

[28 FR 12533, Nov. 22, 1963, as amended at 35 FR 5622, Apr. 7, 1970]

§ 18.262 Existing epilation equipment.

The provisions of this part shall not be applicable until June 30, 1954 to epilation equipment, which uses radio frequency energy, manufactured before December 31, 1950, and shall not be applicable until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1953: *Provided,* That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section.

Subpart I—Induction Cooking Ranges

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 303, 82 Stat. 290; 47 U.S.C. 154, 302, 303.

SOURCE: 44 FR 48180, Aug. 17, 1979, unless otherwise noted.

§ 18.271 Purpose of regulations for an induction cooking range.

These regulations are promulgated in order to permit the immediate marketing of an induction cooking range—a new technological development. They are subject to change in a rule making proceeding now pending in Docket No. 20718. Technical standards are established to provide reasonable assurance that the induction cooking range will not become a source of harmful interference to other devices using carrier current transmissions on domestic power lines.

§ 18.272 Induction cooking range subject to these rules.

These regulations shall apply to any induction cooking range using a frequency of 10 kHz or higher to develop the induction field used for cooking.

§ 18.273 Radiation limit.

(a) The induction cooking range shall comply with the following radiated field strength limit:

Frequency:	Limit
Below 90 kHz	1500μV/m at 30m
On or above 90 kHz	300μV/m at 30m

(b) Measurements of radiated field strength shall be made in accordance with the provisions of § 18.143.

NOTE: The limits and the measurement procedure in this section are subject to change in the rule making proceeding in Docket No. 20718. Particular attention is invited to the proposed OCE 48 appended to the Second Notice in that proceeding.

§ 18.274 Conducted RF limit.

(a) The induction cooking range shall limit the RF voltage conducted back into the power lines to which it is connected, as set out below:

Frequency of Emissions (kHz)	Conducted RF Voltage limit (millivolts)
10–100	10–1 linear interpolation
100–500	1
500–30,000	0.25

(b) Measurements of conducted RF voltage shall be made using a 5 microhenry 50 ohm LISN.

NOTE: The limits and measurement procedure are subject to change in the rule making proceeding in Docket No. 20718. Particular attention is invited to the proposed OCE 47 appended to the Second Notice in that proceeding.

§ 18.275 Certification of an induction cooking range.

(a) An induction cooking range subject to this subpart shall be certificated pursuant to the procedure in Part 2 Subpart J of this chapter. Recertification is not required during the lifetime of the range.

(b) Application for certification shall be filed on FCC Form 731 accompanied by

(1) A report of measurements to show compliance with §§ 18.273 and 18.274

(2) Photographs pursuant to § 2.1033

(3) Installation instructions to be furnished to the purchaser

(4) A narrative statement explaining how the induction cooking range oper-

ates specifying the frequency and operating power

(5) Circuit diagrams

(6) A statement of the safeguards built into the range by the manufacturer to protect the user of the range. This statement should include the warning issued to the user about precautions to be observed.

§ 18.277 Induction range manufactured prior to February 1, 1980.

(a) Such a range may be certificated by the manufacturer pursuant to the provisions of § 18.142(b) to show compliance with the technical specifications of § 18.261. Recertification of such a range is not required during the lifetime of the range.

(b) The manufacturer warrants the purchaser that the range can be expected to comply with the technical provisions in § 18.261 of FCC Rules. In addition, the manufacturer shall advise the purchaser that the manufacturer will assume responsibility for correcting any interference that the range may cause outside the household.

(c) The range bears a label containing the following statement:

—The manufacturer certifies that this range complies with the provisions of FCC Rules § 18.261.

—Operation of this device may cause interference to AM Broadcast reception. Interference to radios in the same household unit must be accepted by its residents. If the range causes interference outside the household, contact the manufacturer for instructions on how to correct the problem.

—This range was manufactured on ———.

[44 FR 70474, Dec. 7, 1979]

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

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19.735-413 Specific reporting requirements for special Government employees.

AUTHORITY: E.O. 11222; 3 CFR, 1964-1965 comp., CFR 735.104, unless otherwise noted.

NOMENCLATURE CHANGE: 45 FR 39850, June 12, 1980.

Subpart A—General Provisions

SOURCE: 31 FR 2722, Feb. 15, 1966, unless otherwise noted.

§ 19.735-101 Purpose.

The effectiveness of the Commission in serving the public interest depends upon the extent to which the Commission holds the confidence and esteem of the Nation's citizens. To hold the public confidence, unusually high standards of honesty, integrity, impartiality, and conduct must be maintained within the Commission and all officers and employees must not only obey the literal requirements of the Federal laws and orders governing official conduct, but also show by their conduct that they support the ethical principles which underlie these laws and regulations. The avoidance of misconduct and conflicts of interest on the part of Commission employees through informed judgment is indispensable to the maintenance of these standards. To again call the attention of Federal employees to the importance of maintaining these high moral and ethical standards, the President has issued Executive Order 11222 to codify, clarify, and strengthen the standards of ethical conduct and to set forth a new program assigning central responsibility to the Office of Personnel Management for supervising agency action in this regard. In consequence thereof, the Commission has revised its long standing regulations promulgating standards of conduct for all Commission employees and has delegated to the Chairman responsibility for the detection and prevention of acts, short of criminal violations, which could bring discredit upon the Commission and the Federal service.

§ 19.735-102 Definitions.

"Commission" means the Federal Communications Commission.

"Employee" means an officer or employee of the Commission including the Commissioners, but does not include a special Government employee or member of the uniformed services.

"Executive Order" means Executive Order 11222 of May 8, 1965.

"Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

"Special Government employee" means a "special Government employee," as defined in section 202 of title 18 of the United States Code, that is, one appointed to serve with or without compensation, for not more than 130 days during any period of 365 days on a full-time or intermittent basis, who is employed in the Commission, but does not include a member of the uniformed services.

"Uniformed services" has the meaning given that term by section 101(3) of title 37 of the United States Code.

"Office of Personnel Management Regulations" mean the regulations (5 CFR Part 735) on employee responsibilities and conduct issued by the Office of Personnel Management on October 1, 1965, in implementation of Executive Order 11222.

"Communications Act" means the Federal Communications Act of 1934, as amended, 47 U.S.C. 151 et seq.

§ 19.735-103 Cross-reference; former Commissioners and employees.

For provisions pertaining to former Commissioners and employees, see § 1.25 of this chapter.

[41 FR 32891, Aug. 6, 1976]

§ 19.735-104 Issuance, approval, and publication of Commission's regulations.

(a) The regulations in this part have been prepared in accordance with 5 CFR Part 735 of the Office of Personnel Management Regulations to:

(1) Implement the requirements of law, the Executive Order, and Part 735 of the Office of Personnel Management Regulations; and to

(2) Prescribe additional standards of ethical and other conduct and reporting requirements that are appropriate to the particular functions and activi-

ties of the Commission and are not inconsistent with law, the Executive order, and Part 735 of the Office of Personnel Management Regulations.

(b) After Office of Personnel Management approval, the Chairman shall:

(1) Submit the Commission's regulations in this part to the FEDERAL REGISTER for publication;

(2) Furnish each employee and special Government employee with a copy of Administrative Order No. 10, and the Commission's regulations in this part, as revised, within 90 days after approval by the Office of Personnel Management;

(3) Furnish each new employee and special Government employee with a copy of Administrative Order No. 10 and the Commission's regulations in this part, as revised, at the time of his entrance on duty;

(4) Within 60 days after receipt of Administrative Order No. 10 and the Commission's regulations in this part, it shall be the responsibility of the Head of each Office and Bureau to secure from every person subject to his administrative supervision a statement indicating that the individual has read and is familiar with the contents of the revised order and regulations in this part, and to advise the Executive Director of the Commission that all persons are familiar with the revised order and regulations in this part. Each new employee shall execute a similar statement at the time of entrance on duty. Periodically, and at least once a year, the Executive Director shall take appropriate action to insure that the Head of each Office and Bureau shall remind employees subject to his administrative supervision of the content of Administrative Order No. 10 and the regulations in this part.

(5) In order to assure the availability of counseling to each employee and special Government employee as provided in § 19.735-105, the General Counsel shall be the counselor for the Commission and the designee to the Office of Personnel Management on matters covered by the regulations in this part.

(6) Copies of laws, the Executive order, the Office of Personnel Management Regulations, and this agency's regulations and instructions relating to ethical and other conduct shall be available in the offices of the Executive Director and the Bureau and Office chiefs for review by employees and Special Government employees.

(c) The Commission's regulations contained in this part are effective only after approval by the Office of Personnel Management and publication in the FEDERAL REGISTER.

(d) This section applies to any amendment of the regulations contained in this part.

§ 19.735-105 Interpretation and advisory service.

(a) The General Counsel is designated as counselor for the Commission to provide guidance on matters relating to ethical conduct and to serve as the Commission's designee to the Office of Personnel Management on matters covered by this part. The Office of the General Counsel is responsible for coordination of the Commission's counseling services provided under paragraph (b) of this section and for assuring that counseling and interpretation on questions of conflict of interest and other matters covered by this part are available.

(b) The counseling services provided by the Office of the General Counsel include the giving of advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and other matters covered by this part.

(c) If an employee is in doubt about any matter covered by this part, or if he has a question as to the propriety of a past or contemplated line of conduct, he should discuss his problem with his immediate supervisor, or the Office of General Counsel.

(d) Requests for interpretative rulings concerning the applicability of the new order and regulations in this part in implementation thereof may be submitted through the employee's supervisor to the Office of the General Counsel.

(e) Within 90 days after approval of by the Office of Personnel Management, and periodically thereafter, the

Commission's the Commission's regulations in this part employees and special Government employees shall be notified of the availability of counseling services and of how and where these services are available. In the case of a new employee or special Government employee appointed after this notification, the notification shall be made at the time of his entrance on duty.

§ 19.735-106 Reviewing statements and reporting conflicts of interest.

(a) Statements of employment and financial interests submitted under Subpart D of this part shall in the case of employees generally, be reviewed by the Executive Director, in the case of Heads of Offices and Bureaus, be reviewed by the Chairman; and in the case of an employee in the immediate office of a Commissioner, be reviewed by the individual Commissioner. Financial statements of all employees shall be filed in the office of the Executive Director.

(b) When a statement submitted under Subpart D of this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Government, the information concerning the conflict or appearance of conflict shall be reported to the Executive Director and the employee or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(c) When after explanation by the employee or special Government employee involved, the conflict or appearance of conflict is not resolved, the information concerning the conflict or appearance of conflict shall be reported to the Chairman through the counselor for appropriate administrative action.

§ 19.735-107 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) In carrying out the Commission's Review and Inspection Program with respect to employee conduct, the Chairman will designate an officer or employee of the Commission who will promptly investigate all incidents or situations in which it appears that employees may have engaged in improper conduct. Such investigation will be initiated in all cases where complaints are brought to the attention of the Chairman, including: Adverse comment appearing in publications; complaints from members of Congress, private citizens, organizations, other Government employees or agencies; and formal complaints referred to the Chairman by the counselor for the Commission.

(c) When, after consideration of the explanation of the employee or special Government employee provided by § 19.735-106(b), the Chairman decides that remedial action is required, he shall take immediate action to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Action under the Commission's Review and Inspection Program resulting in one of the following actions:

(i) When investigation reveals that the charges are groundless the person designated by the Chairman to assist in administration of the program may give a letter of clearance to the employee concerned, and the case will not be recorded in his official personnel folder.

(ii) If, after investigation, the case investigator deems the act to be merely a minor indiscretion, he may resolve the situation by discussing it with the employee. The case will not be recorded in the employee's official personnel folder.

(iii) If the case administrator considers the problem to be of sufficient importance, he may call it to the attention of the Chairman, who in turn may notify the employee of the seriousness of his act and warn him of the consequences of a repetition. The case will not be recorded in the employee's official personnel folder, unless the employee requests it.

(iv) The Chairman may, when in his opinion circumstances warrant, establish a special review board to investigate the facts in a case and to make a full report thereon, including recommended action.

(v) If the Chairman decides that formal disciplinary action should be taken, he may prepare for Commission consideration a statement of facts and recommend one of the following:

(*a*) *Written reprimand.* A formal letter containing a complete statement of the offense and official censure;

(*b*) *Suspension.* A temporary nonpay status and suspension from duty;

(*c*) *Removal for cause.* Separation for cause in case of a serious offense.

Only after a majority of the Commission approves formal disciplinary action will any record resulting from the administration of this program be placed in the employee's official personnel folder.

(4) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 19.735-201 Specific provisions.

The regulations issued under this subpart contain provisions covering the standards of and governing the ethical and other conduct of FCC employees set forth in §§ 735.201a through 735.210 of the Office of Personnel Management Regulations (5 CFR 735.201a-735.210), as well as those set forth in the Executive order and the Federal Conflicts of Interest statutes and the Federal Communications Act of 1934, as amended. They are not meant to restrict unduly a Commission employee's social activities. Each employee must judge for himself whether his social activities may or may not compromise or appear to compromise his position as a public servant.

[31 FR 2723, Feb. 15, 1966]

§ 19.735-201a Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

[32 FR 13457, Sept. 26, 1967]

§ 19.735-202 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (f) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(2) Conducts operations or activities that are regulated by the Commission; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his (the employee's) official duty; or

(4) Is in any way attempting to affect the employee's official actions at the Commission.

(b) The prohibitions enumerated in paragraph (a) of this section do not apply in the situations enumerated below:

(1) Where obvious family (such as those between the parents, children, or spouse of the employee and the employee) or other personal relationships make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Food and refreshments of nominal value may be accepted on infrequent occasions in the ordinary course

of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Loans may be obtained from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value may be accepted, as well as literature relating to the communications field.

(c) [Reserved]

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Pub. L. 89-673, 80 Stat. 952.

(f) Neither this section nor § 19.735-203 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

[31 FR 2723, Feb. 15, 1966; 31 FR 4834, Mar. 23, 1966, as amended at 32 FR 13457, Sept. 26, 1967]

§ 19.735-203 Outside employment and other activity.

(a) The Commissioners are prohibited from engaging in any other business, vocation, profession, or employment. (47 U.S.C. 154(b)) No Commissioner or employee of the Commission is permitted to be in the employ of or hold any official relation to any person subject to any of the provisions of the Communications Act. (47 U.S.C. 154(b)) In addition, no Commissioner or employee of the Commission may engage in outside employment or other outside activity, with or without compensation, which is in conflict with or otherwise not compatible with the full and proper discharge of his duties and responsibilities as a Commission employee. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of a conflicts of interest situation; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Commission duties and responsibilities in an acceptable manner; or

(3) Outside employment or activities (excluding the publication of articles) which reasonably might be regarded as official actions or bring discredit upon the Commission.

(b) No professional employee of the Commission shall engage in the private practice of his profession unless specifically authorized by the Commission. Requests for such authorizations shall, in the case of employees generally, be submitted to the Head of the Office or Bureau to which the employee is assigned; in the case of Heads of Offices and Bureaus to the Chairman; and in the case of an employee in the immediate office of a Commissioner to the Commissioner. All pertinent facts regarding the proposed employment, such as the name of the employer, the nature of the work to be performed, and the amount of time involved shall be set forth.

(c) Employees of the Commission are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive Order, the Office of Personnel Management Regulations or the provisions of this chapter. However, an employee shall not, either with or without compensation, engage in teaching, lecturing or writing (including such as is involved in the preparation of a person or class of persons for a Office of Personnel Management or Foreign Service examination) that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of non-public information on the basis that its use is in the public interest. Except in the case of a Commissioner, articles which identify the author as a Commission employee shall include the following disclaimer:

> The views expressed are those of the author and do not necessarily reflect the views of the Commission.
>
> Documents prepared in the course of, and publications relating to, an employee's official duties shall not be used for his private gain. In addition, the Commissioners shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information. (See also 47 U.S.C. 154(b) and § 735.203(b)(2)).

(d) [Reserved]

(e) This section does not preclude a Commission employee from:

(1) [Reserved]

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

[31 FR 2723, Feb. 15, 1966, as amended at 32 FR 13457, Sept. 26, 1967; 33 FR 11821, Aug. 21, 1968; 44 FR 9755, Feb. 15, 1979]

§ 19.735-204 Financial interests.

(a) An employee of the Commission shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities.

(b) An employee of the Commission shall not engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(c) An employee of the Commission is expected to comply with section 4(b) of the Communications Act and to support its underlying ethical principles.

(1) Section 4(b) of the Communications Act provides in pertinent part as follows:

> No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; * * * nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act * * *.

(2) Section 4(b) has been construed in the past not to prohibit financial interests in enterprises whose activities are not subject, in any significant sense, to regulation by the Commission. However, any employee would be disqualified from acting in any matter involving his investments and would be required to seek a waiver under the provisions of 18 U.S.C. 208(b). (See paragraph (e)(2) of this section.)

(d) No Commissioner shall have a pecuniary interest in any hearing or proceeding in which he participates. (47 U.S.C. 154(j).)

(e) An employee of the Commission is also subject to the provisions of Federal conflicts of interest statutes, which are generally applicable to Government employees, but which do not supersede the provisions of section 4(b) of the Communications Act. In summary, the main conflict of interest provisions applying to financial interests are:

(1) An employee may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(i) This prohibition does not extend to (*a*) representation of another person, without compensation, in a disciplinary, loyalty, or other personnel matter; or (*b*) the giving of testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(ii) This prohibition may be waived under the express approval of the Government official responsible for his appointment in the case of an employee who represents, with or without compensation, his own parents, spouse or child or a person or estate he serves as a fiduciary, but only as to matters in which the employee has not participated personally and substantially as a Government employee and which are not the subject of his official responsibility.

(2) An employee may not participate in his governmental capacity in any matter in which he, his spouse, minor child or outside business associate has a financial interest (18 U.S.C. 208).

(i) This prohibition shall not apply if the employee advises the Government official responsible for his appointment of the nature of the matter, makes full disclosure of the financial interest, and receives in advance a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the employee's services.

(ii) With respect to financial interests of the employee himself, the prohibition of this subparagraph overlaps the prohibitions of section 4(b) of the Communications Act. When the prohibitions of section 4(b) are applicable, the provisions for waiver in paragraph (e)(2)(i) of this section are not applicable with respect to the interest of the employee himself.

(3) An employee may not participate in his governmental capacity in any matter in which a person from whom he has accepted employment, or with whom he is negotiating for employment, has a financial interest. At the outset of negotiations with such a prospective employer, the employee shall notify his immediate supervisor. The supervisor shall review the employee's current assignments and responsibilities and discharge him from any that could affect the interests of the prospective employer. The employee shall thereupon file a statement of disqualification and non-participation pursuant to § 19.735-412(e). The statement shall continue in effect until such time (if any) as the negotiations are unsuccessfully terminated.

(4) An employee may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(i) This prohibition will not prevent an employee from continuing to participate in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

(ii) This prohibition is not applicable to anyone serving the Government without compensation or to contributions, awards, or other expenses under the terms of the Government Employees Training Act (5 U.S.C. 2301-2319).

[31 FR 2724, Feb. 15, 1966, as amended at 44 FR 50842, Aug. 30, 1979]

§ 19.735-205 Use of Government property.

An employee of the Commission shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

[31 FR 2725, Feb. 15, 1966]

§ 19.735-206 Misuse of information.

Except as provided in § 19.735-206(c), or as authorized by the Commission, an employee shall not, directly or indirectly, disclose to any person outside the Commission any information, or any portion of the contents of any document, which is part of the Commission's records or which is obtained through or in connection with his Government employment, and which is not routinely available to the public and, with the same exceptions, shall not use any such documents or information except in the conduct of his official duties. Conduct intended to be prohibited by this section includes, but is not limited to, the disclosure of information about the content of agenda items (except for compliance with the Government in the Sunshine Act), 5 U.S.C. 552b or other staff papers to persons outside the Commission and disclosure of actions or decisions made by the Commission at closed meetings or by circulation, prior to the public release of such information. This section does not prohibit the release of an official Commission meeting agenda listing titles an summaries of items for discussion at an open Commission meeting. Also, this section does not prohibit the release of information about the scheduling of Commission agenda items.

[44 FR 29072, May 18, 1979]

§ 19.735–207 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

[31 FR 2725, Feb. 15, 1966]

§ 19.735–208 Gambling, betting, and lotteries.

An employee of the Commission shall not participate, while on Government-owned or leased property or while on duty for the Commission, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

[31 FR 2725, Feb. 15, 1966]

§ 19.735–209 General conduct prejudicial to the Government.

An employee of the Commission shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Commission or to the Government.

[31 FR 2725, Feb. 15, 1966]

§ 19.735–210 Miscellaneous statutory provisions.

In addition to the statutes referred to in § 19.735-204, each employee shall acquaint himself with the following provisions that relate to his ethical and other conduct as an employee of the Commission.

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

[31 FR 2725, Feb. 15, 1966, as amended at 32 FR 13457, Sept. 26, 1967]

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

SOURCE: 31 FR 2725, Feb. 15, 1966, unless otherwise noted.

§ 19.735-301 Specific provisions.

The regulations issued under this subpart contain provisions covering the standards of and governing the ethical and other conduct of special Government employees of the Commission as set forth in §§ 735.302 through 735.306 of the Office of Personnel Management Regulations (5 CFR 735.302-735.306) as well as those set forth in the Executive order and the Federal Conflicts of Interest Statutes and the Federal Communications Act of 1934, as amended.

§ 19.735-302 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 19.735-303 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may teach, lecture, or write in a manner not inconsistent with § 19.735-203(c) in regard to employees.

§ 19.735-304 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 19.735-305 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person particularly one with whom he has family, business, or financial ties.

(b) The same exceptions applying to the acceptance of gifts, entertainment, and favors by Government employees which are set forth under § 19.735-202(b) apply to special Government employees of the Commission.

§ 19.735-306 Miscellaneous statutory provisions.

Each special Government employee of the Commission shall acquaint himself with the following major statutory prohibitions relating to his ethical and other conduct as well as those set forth in § 19.735-210 in this part.

(a) Section 4(b) of the Communications Act which provides that no employee of the Commission "shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. * * *"

(b) Sections 203 and 205 of Title 18 of the United States Code which provide that a special Government employee:

(1) May not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government.

(2) May not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365. He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(3) These prohibitions do not extend to:

(i) Representation of another person without compensation in a disciplinary, loyalty, or other personnel matter; or

(ii) The giving of testimony under oath or from making statements required to be made under penalty for perjury or contempt; or

(iii) Representation, with the approval of the Government official responsible for his appointment, of his own parents, spouse, or child, in matters in which he has not participated personally and substantially and which are not the subject of his official responsibility.

(c) Section 208 of Title 18 of the United States Code which provides that a special Government employee may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest.

(1) This prohibition shall not apply if the employee advises the Government officials responsible for his appointment of the nature of the matter, makes full disclosure of the financial interest, and receives in advance a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the employee's services.

(2) With respect to the financial interests of the employee himself, the prohibition of this section 208 overlaps the prohibitions of section 4(b) of the Communications Act. When the prohibitions of section 4(b) are applicable, the provision for waiver in paragraph (c)(1) of this section is not applicable with respect to the interest of the employee himself.

(d) Section 207(a) of Title 18 of the United States Code which provides that a special Government employee may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government.

(e) Section 207(b) of Title 18 of the United States Code which provides that a special Government employee may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service. This temporary restraint of course gives way to the permanent restriction described in paragraph (d) of this section if the matter is one in which he participated personally and substantially.

Subpart D—Statements of Employment and Financial Interests

SOURCE: 31 FR 2726, Feb. 15, 1966, unless otherwise noted.

§ 19.735-401 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees and special Government employees of the Commission are in accordance with the formats prescribed by the Office of Personnel Management in the Federal Personnel Manual.

§ 19.735-402 Specific provisions of agency regulations for employees.

The regulations issued under this subpart are in accordance with the reporting requirements set forth in §§ 735.403 through 735.411 of the Office of Personnel Management Regulations (5 CFR 735.403-735.411).

§ 19.735-403 Employees required to submit statements.

Except as provided in § 19.735-404, statements of employment and financial interests shall be required from the following employees of the Commission:

(a) Employees who are Administrative Law Judges.

(b) Employees who are Members of the Review Board.

(c) All other employees who are in Grade GS-13 or above.

(d) Employees who are in Grade GS-11 or above and who are Heads or Supervisors or Assistant Heads or Supervisors of field offices.

(e) All purchasing agents.

(f) All employees serving as auditors or accountants, with the principal duty of auditing private enterprises.

(g) All employees, professional, administrative, and clerical, in the offices of the Commissioners.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

[42 FR 26216, May 23, 1977]

§ 19.735-403a Employee's complaint on filing requirement.

An employee who believes that his position has been improperly included under the Commission's regulations requiring the filing of a statement of employment and financial interests is entitled to seek review of his complaint under the Commission's grievance procedure.

[32 FR 13458, Sept. 26, 1967]

§ 19.735-404 Commissioners not required to submit statements.

A statement of employment and financial interests is not required by this subpart from the Commissioners who are subject to separate reporting requirements under section 401 of the Executive order.

§ 19.735-405 Time and place for submission of employees' statements.

(a) An employee required to submit a statement of employment and financial interests pursuant to § 19.735-403, shall submit that statement on the prescribed form not later than:

(1) Ninety days after the effective date of the Commission's regulations issued under this part if employed on or before that effective date.

(2) Thirty days after his entrance on duty, but not earlier than ninety days after the effective date, if appointed after that effective date.

(b) An employee required to submit a statement of employment and financial interests shall submit that statement as follows:

(1) In the case of employees generally, to the office of the Executive Director;

(2) In the case of Heads of Offices and Bureaus, to the office of the Chairman; and

(3) In the case of an employee in the immediate office of a Commissioner, to the individual Commissioners, respectively.

(c) An employee required to submit a statement of employment and financial interests will be individually notified of his obligation to file.

[31 FR 2726, Feb. 15, 1966, as amended at 32 FR 13458, Sept. 26, 1967]

§ 19.735-406 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or take an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or Subpart B of this part.

[32 FR 13458, Sept. 26, 1967]

§ 19.735-407 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 19.735-408 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 19.735-409 Information prohibited.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 19.735-410 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence and shall be retained in the Office of the Executive Director. Each employee charged with reviewing a statement is responsible for maintaining the statements in confidence and shall not allow access to or allow information to be disclosed from a statement except to carry out the purpose of this part. Information from these statements shall not be disclosed except as the Office of Personnel Management or the Chairman may determine for good cause shown.

[32 FR 13458, Sept. 26, 1967]

§ 19.735-411 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order or regulation.

§ 19.735-412 Procedure for obtaining waivers of the applicability of the Federal conflicts of interest statutes.

(a) As indicated in § 19.735-204, an employee may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. (18 U.S.C. 203 and 205) Nor may an employee participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest. (18 U.S.C. 208)

(b) Requests for waivers of the applicability of the above Federal conflicts of interest statutes may be submitted as follows:

(1) In the case of employees generally, to the Head of the Office of Bureau to which the employee is assigned;

(2) In the case of Heads of Offices and Bureaus, to the Chairman; and

(3) In the case of employees in the immediate offices of a Commissioner, to the Commissioner.

(c) All requests for waivers shall be in writing and in the required detail. Before any waiver is granted, the General Counsel shall be furnished a copy of all relevant documents and shall be afforded an opportunity to comment thereon.

(d) Copies of all requests for waivers and the action taken thereon shall be maintained in the Office of the Executive Director.

(e) An employee who deems himself disqualified from participating in any matter pending before the Commission and who does not request a waiver shall file a statement as to his disqualification and nonparticipation with the Head of the Bureau or Office to which he is assigned and with the Executive Director.

§ 19.735-413 Specific reporting requirements for special Government employees.

(a) The reporting requirements for special Government employees are the same as those applying to Government employees which are also set forth in this subpart.

(b) Except as provided in paragraph (c) of this section, special Government employees shall be required to submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(c) The Chairman may waive the requirement in paragraph (b) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when the Commission finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(d) A statement of employment and financial interests required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee as provided in the Commission's regulations. Each special Government employee shall keep his statement current throughout his employment with the Commission by the submission of supplementary statements.

(e) As indicated in § 19.735-306, a special Government employee is subject to certain prohibitions of the Federal conflicts of interest statutes contained in sections 203, 205, and 208 of Title 18 of the United States Code. The procedures for obtaining a waiver of these statutes are the same as those applying to Government employees which are set forth in § 19.735-412.

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5.109 Added.....................................†2815
Corrected...................................... †6474
5.203 Footnote added................... †2815
13.3 (a) revised; (c) added............ †5366
13.4 (c) revised.............................. †5366
13.5 (a) revised...............................†5366
13.11 (b) revised.............................†5366
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15.1 Revised................................ †10674
15.2 Revised................................ †10674
15.4 (e) added..............................†10675
15.25 Added.................................†10675
15.31-15.49 (Subpart B) Heading and text revised................ †10675
15.38 (d) added............................ †34117
15.44 (f) added............................. †34117
15.45 (e) amended......................... †34118
15.66 Removed.............................†10676
15.68 (d)(3) waived....................... †15882
15.69 Revised............................... †10676
15.70 Revised............................... †10676
15.71 Revised............................... †10676
15.76 Added..................................†10676
15.77-15.79 Added........................ †10677

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15.101-15.143 (Subpart D) Added.. †10677
15.111 Table corrected... †13219, 15091
Revised............................ †10677, 21030
15.131 Corrected......................... †13219
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Amended (time extended)........ †24525
15.132 Amended.............................†14054
(d) revised....................................†24525
15.135 Amended.............................†14054
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15.136 Amended.............................†14054
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15.143 Amended.............................†14054
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151.151-15.194 (Subpart E) Added; old Subpart E (15.201-15.276) removed...................... †10679
15.163 Amended........................ †14054
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15.178 (b) corrected.................... †13219
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15.302 Added...............................†10682
15.305 Note removed.................. †10682
15.309 Amended..........................†10682
15.312 Added...............................†10682
15.313 Removed...........................†10682
15.314 Added...............................†10682
15.315 Removed...........................†10682
15.318 Added...............................†10682
15.332 Added...............................†10682
15.343 Removed...........................†10682
15.345 Revised............................ †10682
15.347 Revised............................ †10682
Amended....................................... †14054
Amended (time extended)........ †24525
15.371 Removed...........................†10682
15.373 Removed...........................†10682
15.402 Added...............................†10682
15.411 (a) revised........................†10682
15.413 Revised............................ †10682
15.419 Amended.......................... †10682
17.23 Revised.............................. †30265
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17.39-17.42 Added....................... †30265
17.42 (d)(3) corrected................ †33662
17.48 (a) revised...........................†30267

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17.53 Table revised.......... †30267
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18.13 Table amended.......... †14469
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18.144 (b)(1) introductory text revised.......... †14469

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0.4 Revised.......... Δ33272
0.12 (d) and (f) revised; (l) and (m) added.......... Δ16658
0.35 Revised.......... Δ7750
0.72 Revised.......... Δ21347
0.74 Revised.......... Δ21347
0.77 Revised.......... Δ21347
Corrected.......... Δ22563
0.79 Removed.......... Δ21347
0.91 (i) added.......... Δ7751
0.121 (a) table amended.......... 52724
(a) table and (c) amended.......... Δ9550
0.132 (d) and (e) revised; (f) added.......... 49778
0.161 Revised.......... Δ14870
0.181 (c) and (d) revised; (h) redesignated as (i) and revised; new (h) added.......... Δ31209
0.182 Revised.......... Δ31209
0.183 Revised.......... Δ31209
0.184 Removed.......... Δ31210
0.186 (b)(10) through (13) revised.......... Δ31210
0.241 (a)(4) added.......... Δ7751
(d) added.......... Δ26014
0.281 (b)(6) revised.......... 45824
(a)(8)(i) revised; (a)(10) amended.......... Δ20170
0.288 (v) added.......... 57360
(w) added.......... Δ14870
0.291 (a)(1) revised.......... 50036
Technical correction.......... 58306
(b) revised.......... Δ30648
0.309 Added.......... Δ7750
0.334 Added.......... 49778
0.341 (a)(2) removed; (a)(3) redesignated as (2).......... Δ14870

NOTE: Symbol (†) refers to 1975 page numbers.

NOTE: Symbol (Δ) refers to 1976 page numbers.

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0.361 (a) revised.......... Δ14870
(f) revised.......... 38167
0.365 (b) and (c) removed.......... Δ14870
0.371 (h) added.......... Δ14871
(i) added.......... Δ41091
0.381 Revised.......... Δ31210
0.401 (e) revised.......... 51441
0.415 Revised.......... Δ21449
0.461 (h)(1) and (2) and (i) revised.......... 59439
0.465 (a) revised.......... Δ17734
0.555 (e) added.......... 58858
1 Form 303 amended.......... 47136
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1.4 (b) revised.......... Δ17911
1.46 (c) added.......... Δ9550
(a) revised.......... Δ14871
1.47 (f) revised.......... 55644
1.48 (b) revised.......... Δ14871
(a) revised.......... Δ34260
1.51 Revised.......... 48136
(b) revised.......... 53391
1.61 (a) revised.......... 49778
1.83 (a)(1) revised.......... 52725
1.93 Added.......... Δ14871
1.94 Added.......... Δ14871
1.95 Added.......... Δ14871
1.104 (a) revised.......... Δ14871
1.106 (a)(1) revised; note removed.......... Δ1287
1.115 (b)(2) introductory text, (e), and (f) revised; (b)(4) note removed; (b)(5) text and note added.......... Δ14871
Heading corrected.......... Δ16157
1.223 (b) and (c) revised; (d) removed.......... Δ14872
1.227 (b)(3) revised.......... Δ33895
1.229 Revised.......... Δ14872
1.243 (j) revised; (k) added.......... Δ14873
1.248 (a), (b)(1) and (d) revised; (c)(7) added.......... Δ14873
1.261 Revised.......... 51441
1.267 (a) revised.......... Δ14873
1.276 (a) revised.......... Δ14873
1.277 (a), (b) and (c) revised.......... Δ14873
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1.282 (b)(2) revised.......... Δ14873
1.291 (a)(2) revised.......... Δ14873
1.298 (b) revised; (c) removed... Δ14874
1.301 (b), and (c) (1), (5), (6), and (7) revised.......... Δ14874

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1.311 (c)(1) revised....................Δ14874
1.321 (d)(3) revised....................Δ14874
1.400 Center heading and section added....................Δ1287
1.401 (b) revised....................53391
1.419 (b) revised....................48136
1.420 (e) added....................53391
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1.429 Added....................Δ1287
1.430 Center heading and text added....................Δ1287
1.517 Added....................Δ36815
1.522 (a) and (b) revised....................Δ14874
1.526 (a)(1) and (e)(2) amended....................59736
(a) introductory text and (a)(9) revised; (a)(11) and (12) and note added....................Δ1380
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(a)(12) revised....................Δ42038
1.527 Added....................Δ12431
(c)(2)(ii)(C) corrected....................Δ14750
1.533 (a)(4) revised....................Δ19582
1.536 (b)(5) through (8) redesignated (b)(6) through (9); new (b)(5) added....................Δ29137
1.539 (d)(1) revised; (5) removed; (2)-(4) redesignated as (3)-(5); new (2) added....................Δ19582
(d)(6) through (9) redesignated as (d)(7) through (10); new (d)(6) added....................Δ29137
1.548 Revised....................54792
1.584 Added....................Δ14874
1.615 (d) revised....................Δ25003
1.721 (b) amended....................51441
1.764 (b) revised....................51441
1.786 Existing text designated as (a); (b) added....................Δ29394
1.913 (b) revised....................Δ22818
1.922 Amended....................Δ15849
1.925 Heading revised; (d) added....................Δ15849
1.1102 (d) Note 1 added....................Δ15699
1.1113 (j) revised....................33885
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1.1120 (a) amended....................Δ7398
1.1209 Revised....................47136
1.1305 (a)(1), (2), (3), and note revised; (a)(4) removed....................53393
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2.963 (a) revised....................Δ19948
2.967 (b) amended....................Δ19948
2.983 Amended....................Δ19948
2.1001 Heading revised; (c) amended....................Δ19948
2.1033 (a) amended....................Δ19948
2.1035 (a) amended....................Δ19948
2.1037 (b) amended....................Δ19948
2.1043 Heading revised; (c) amended....................Δ19948
2.1201-2.1219 (Subpart K) Added; eff. 11-1-76....................Δ25904
2.1300-2.1302 (Subpart L) Added....................Δ8048
5.53 (f) revised....................60033
5.155 (b)(4) revised....................60033
15.34 (a) revised....................Δ19948
15.35 Revised....................Δ19948
15.59 Added....................Δ32593
15.68 (d)(4) introductory text revised....................53591
15.115 Heading and text revised....................Δ7398
15.116 Redesignated as 15.120; new 15.116 added....................Δ7398
(e) corrected....................Δ9346
15.117-15.119 Added....................Δ7398
15.118 (a) corrected....................Δ9346
15.120 Redesignated from 15.116....................Δ7398
15.131 Revised....................Δ7398
15.132 Heading revised....................Δ7398
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0.44 Revised.......................... *43846
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0.211 (e) revised.......................... 49095
0.231 (g) added.......................... 49095
0.241 (c) revised.......................... 56068
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0.242 (a), (c) introductory text and (14) revised.......................... 56068
(a) and (c) introductory text and (14) revised.......................... *8326
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0.465 (a) revised; (d) added.......... 51610
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0.601–0.607 (Subpart F) Added... *12867
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1.51 (b) revised.......................... 50399
1.70 Removed.......................... *27894
1.224 Added.......................... 53021
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1.399 Added.......................... *25735
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1.527 (c)(3) revised.......................... *30186
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1.531 Revised.......................... *36826
1.544 Revised.......................... 53025
(a) corrected.......................... 55531
1.547 (c)(4) revised.......................... 44177
1.549 Revised.......................... 52631
1.573 (a)(1) and (c) revised........... 44178
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1.613 (a) revised.......................... *16422
1.773 (b) and (c) revised.......................... 54766
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1.1102 (d) suspension clarification....*3168
1.1115 (c)(6) revised....*3167
1.1223 Revised....*12869
1.1225 (b) revised....*12869
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2.1 Amended....56070
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2.302 Table amended...46437, 52458, 56071
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2.303 Table amended....44042
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(h)(1) and (2) corrected....49095
(a) revised; (b) amended....56071
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15.65 Heading revised; existing text designated as (a); (b) added....*1232
(b) revised....*20473
15.68 (d)(4) revised....52461
(a), (c), (d)(2) removed....*3308
15.114 Added....*4463
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15.115 Heading and introductory text revised....*4463
15.118 (e) revised....*4464
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15.183 (c) amended....*7955
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15.305 (b) amended....*7955
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0.42 Revised....†29006
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NOTE: Symbol (*) refers to 1977 page numbers.

NOTE: Symbol (†) refers to 1978 page numbers.

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0.176 Added........†36445
0.231 (g) amended........†24310
0.288
  (v) revised........56507
  (x) amended; (y) added........62918
0.314 (w) added........†25122
0.403 Revised........63786
1.4 (c) and (d) revised........63788
1.248 (f) revised........†33251
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1.1305 (a)(6)(iii) and (iv) amended; (a)(6)(v) added; (a)(7) revised........59755
1.1311 Note added........59850
1.1401-1.1415 (Subpart J) Added........†36094
2.1 Amended........†41985
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  Table amended; footnote NG116 added........59977
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  (c) revised........†33725
2.983 (i) added........†12687
2.1001 (e) revised; (f) added........†12687
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15.65 (a) revised........†36103
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17.7 (a) and (b)(1) through (3) amended........54823
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17.10 Heading and introductory text amended........54824
17.14 (b) amended........54824
17.21 (a) amended........54824
17.23 Amended........54824
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17.25 Heading, (a) introductory text, (1) and (2) amended; (a)(3) revised........54824
17.26 Heading, (a) introductory text, (1) and (2) amended; (a)(3) revised........54824
17.27 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54824
17.28 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54824
17.29 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54824
17.30 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54824
17.31 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54825
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17.32 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54825
17.33 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54825
17.34 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54825
17.35 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised........54825

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17.37 Heading, (a) introductory text, (1) and (3) amended; (a)(4) revised	54825
17.38 Heading and text amended	54826
17.39-17.58 Undesignated center heading amended; note revised	54826
17.39 Heading, introductory text (b), (c)(1) and (2) amended	54826
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(a)(7) revised; (b)(4)(i) amended	Δ39179
0.11 (h) removed	Δ12425
(g) revised	Δ21793
0.12 (j) and (m) removed; (k) and (l) redesignated as (j) and (k)	Δ12425
0.15 Undesignated center heading and section added	Δ12425
0.31—0.38 Undesignated center heading revised	Δ39179
0.31 Nomenclature changes	Δ4486
0.32 Nomenclature changes	Δ4486
0.33 Nomenclature changes	Δ4486
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0.36 Amended	Δ39179
0.41 (p) removed	Δ12425
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0.91 (i) amended	Δ39179
0.114 (e) amended	Δ39179
0.115 (f) revised	52244
0.117 (b) amended	Δ39179
0.121 Revised	55764
0.131—0.132 Undesignated center heading revised	Δ39179
0.131 Nomenclature change	Δ39179
0.132 Revised	Δ39179
0.186 (b) (3), (4), (10), and (11) revised	Δ39179
0.215 Revised	Δ18500
0.216 Removed	Δ39179
0.231 (h) added	Δ21275
0.241—0.247 Undesignated center heading revised	Δ39179
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